

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH
1 East First Avenue
Malvern, PA 19355

October 4, 2016
7:30 P.M.

PRESIDING: David G. Bramwell, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell (Absent)
Council Vice-President Uzman
Council Member Arena
Council Member Grossman
Council Member Lexer
Council Member Meisel
Council Member Sinquett
Mayor Burton

2. RECORDING OF MEETING:

Council Vice-President Uzman asked in accordance with Resolution No. 714 if any member of the audience was recording the meeting.

No audience member identified themselves as recording the meeting.

3. PUBLIC FORUM:

Council Vice-President Uzman informed all present that copies of the agenda are available at the front entrance. Citizens/taxpayers were advised that Public Forum is the time to offer comments to bring any issues/concerns before Council that are not on the agenda.

- a. Susan Cook, 635 Highland Avenue, thanked the Malvern Police Department, specifically Sergeant Lloyd Douglas for professionally handling the crowd at the Paoli Battlefield during the Heritage Day event.

- b. Frank Ortner, 144 Griffith Avenue, recommended Council consider having the Borough Manager add an article in the Winter Borough Broadcaster (newsletter) to remind residents to clean-up after their pets when walking them.

- c. Chris Gastwirth, Fire Chief of the Malvern Fire Company presented an update as to the status of various pieces of fire apparatus that have reached their useful service life. He explained that the aerial/ladder truck and pumper will have to be replaced sooner than later and hopes the Borough Council will consider providing additional funding in the coming years to aid the Fire Company in purchasing its much needed fire apparatus.

4. PRESERVATION AWARDS BY HISTORICAL COMMISSION:

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Historical Commission Presenters were Lynne Hockenbury and Cathy Raymond. Ms. Hockenbury stated the Historical Commission honors properties in four categories: 1) Adaptive Reuse, in which the preserved building is now used for a different purpose than its historical purpose; 2) Commercial; 3) Residential; and 4) Institutional. Seven properties received a preservation award for 2016, one adaptive re-use, one commercial property, one institutional property, and four residential properties. Awards were presented to recipients unable to attend the September 20, 2016 meeting.

5. RESOLUTION NO. 720 – DISPOSITION OF PUBLIC RECORDS:

A motion was made by Council Member Lexer, seconded by Council Member Sinquett and carried by a vote of 6-0 adopt Resolution No. 720, authorizing the disposition of records of the Borough of Malvern pursuant to the Municipal Records Manual.

6. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT FOR FRONT YARD SETBACK REQUIREMENTS:

Council Vice-President Uzman announced that Borough Council will open a Public Hearing to consider an ordinance to amend the Borough's Zoning Ordinance pertaining to the requirements for front-yard setbacks in R1, R2, R3A, R3B, R4, R5, and R6 residential zoning districts.

The Notice of Public Hearing was published in the September 16, 2016 and September 23, 2016 editions of the Daily Local newspaper as required.

Frank Ortner, 144 Griffith Avenue, asked if the homeowners that may be affected by the ordinance amendment were notified by mail. Ari Christakis, Borough Solicitor stated the homeowners were not notified by mail, however, they should know their properties are proportionally different.

David Harshaw, 644 Highland Avenue, asked what the front-yard setback is for the R2 Zoning District. Borough Manager Bashore stated, per the Zoning Ordinance, it is twenty-five (25) feet.

There being no further public comment, Council Vice-President Uzman closed the hearing.

7. ORDINANCE NO. 2016-13:

A motion was made by Council Member Grossman, seconded by Council Member Sinquett and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2016-13, amending the Malvern Borough Zoning Ordinance pertaining to the requirements for front-yard setbacks.

8. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT FOR UPPER LEVEL DWELLING UNITS:

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Council Vice-President Uzman announced that Borough Council will open a Public Hearing to consider an ordinance to amend the Borough's Zoning Ordinance pertaining to the requirements for upper level dwelling units.

The Notice of Public Hearing was published in the September 16, 2016 and September 23, 2016 editions of the Daily Local newspaper as required.

There being no public comment, Council Vice-President Uzman closed the hearing.

9. ORDINANCE NO. 2016-14:

A motion was made by Council Member Grossman, seconded by Council Member Sinquett and unanimously carried by a vote of 6-0 to adopt Ordinance No. 2016-14, amending the Malvern Borough Zoning Ordinance pertaining to upper level dwelling units.

10. OLD BUSINESS:

- a. Ordinance 2016-2: Issuance of Non-Electoral Debt

Council Vice-President Uzman stated this item was tabled.

- b. Bid Award – 2004 Ford Expedition 4 x 4

A motion was made by Council Member Lexer, seconded by Council Member Sinquett and unanimously carried by a vote of 6-0 to authorize the sale of the 2004 Ford Expedition 4 x 4 to highest responsible bidder, Adrienne McCall, in the amount of \$3,756.00.

- c. 190 Pennsylvania Avenue – Request for Extension

Borough Manager Bashore stated the time extension is to resolve an outstanding land dedication issue between the Aras Rug Company, 190 Pennsylvania Avenue, and the Borough of Malvern to ensure that the Aras are prepared to start building.

A motion was made by Council Member Sinquett, seconded by Council Member Meisel to authorize an extension to the Aras Rug Company, 190 Pennsylvania Avenue, for to submit all required documentation to the Borough that is necessary to record the plan pursuant to the Municipalities Planning Code not to exceed one-hundred-and-twenty (120) days.

- d. Zoning Hearing Board

Borough Manager Bashore stated the Zoning Hearing Board met on September 26, 2016. The Board reorganized and voted to appoint Joseph Rubino as chairman. In addition, the Board set a regular meeting date of the fourth Monday of each month at 7:00 p.m. in order to better coordinate application.

- i. 203 East Broad Street Hearing

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Borough Manager Bashore stated this application is for a variance from Article IX, Section 902.F. of the Zoning Ordinance, pertaining to lot coverage, in order to add a deck to an existing building and install a shed. There was missing documentation that the Board had requested. The Board is continuing the hearing to October 24, 2016 at 7:00 p.m. in order to allow the applicant to prepare the requested information (including specifications on the design of the deck).

ii. Open Applications

Borough Manager Bashore stated there is one new application that will be considered by the Zoning Hearing Board. A hearing date has not been set for this application. The applicant is seeking a Special Exception to conduct a major home occupation at 210 Second Avenue for 1-on-1 art instruction pursuant to section 2412 of the Borough's Zoning Ordinance. At the September 20, 2016 Borough Council meeting, Borough Council decided to not send the Borough Solicitor to the hearing application.

11. NEW BUSINESS:

a. Proposed Ordinance – Collection of interest on municipal lien claims

Borough Manager Bashore stated Ordinance No. 2016-15 would establish the rate of interest for outstanding municipal liens filed by the Borough. The Borough is permitted to apply such interest per the Municipal Claims and Tax Liens Law (the "MCTLL"), but must do so via ordinance. The rate of interest specified in the MCTLL varies from one type of claim to another (as low as 5% to as much as 12%), but the proposed Ordinance No. 2016-15 sets the rate at the maximum rate permitted under the MCTLL, or 10% if no rate is specified in the MCTLL.

A motion was made by Council Member Siquett, seconded by Council Member Lexer and unanimously carried by a vote of 6-0 to authorize the Borough Manager to place an advertisement in the Daily Local newspaper for adoption of the Ordinance at its October 18, 2016 meeting.

b. Traffic Calming Initiatives

i. Revised Traffic Calming Plan – Monument Avenue

Borough Manager Bashore provided an overview of the August 23, 2016 meeting of the Public Safety Committee. The Committee discussed traffic calming and control measures for Monument Ave. with the guidance of the Borough's Traffic Engineer, John Yurick, P.E., of McMahon Associates. The following recommended modifications came out of that Committee meeting: 1) Establish the intersection of Monument Ave. & Malvern Ave. as an all-way stop intersection due to the location of the park as a large pedestrian generator (Borough Council adopted Ordinance 2016-11 at the September 20th meeting to establish this intersection as an all-way stop intersection); 2) Remove four (4) speed humps on Monument Ave. and install three (3) new, strategically placed speed humps. One (1) of the speed humps between Malvern Ave. and Sugartown Rd. would be eliminated and one (1) would be removed, re-engineered, and shifted

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further west towards Sugartown Rd. John Yurick believes that one (1) speed hump can be eliminated in this location due to the establishment of Malvern Ave. & Monument Ave. as an all-way stop intersection. The existing speed hump between Prospect Ave. and Powelton Ave. would be redesigned to match the others in order to create uniformity on the street. The end result will be four (4) speed humps total on Monument Ave. Please note that all existing/proposed speed humps will be constructed with the Seminole County profile recommended for emergency routes; and 3) The intersections of Griffith Ave. and Monument Ave. and Powelton Ave. and Monument Ave. do not meet the warrants required for an all-way stop intersection. As an alternative, these two (2) locations would be improved with high visibility crosswalks and intersection pavement markings. This will assist in drawing motorist attention to these crossing locations and will better define the crosswalk areas. Please be advised that in order to complete the intersection treatments, the intersections would need to be resurfaced. The cost estimates to complete the intersection improvements range from \$66,172 to \$81,154. The attached cost estimate worksheet provides details on each estimate.

Frank Ortner, 144 Griffith Avenue, questioned why an all-way stop was justified at the intersection for the entrance of the Monument Grounds loop. John Yurick, of McMahan & Associates stated the high-level of pedestrian foot traffic warranted the additional stop signs.

Council Member Grossman questioned Mr. Yurick if a study could be done at the intersection of Powelton Avenue and Monument Avenue to determine if all-way stops could be warranted. Mr. Yurick stated that a foot traffic study could be done to address Council Member Grossman's question.

Borough Council unanimously agreed to authorize Borough Manager Bashore to have McMahan & Associates, Inc. to conduct a foot-traffic study at the intersection of Monument Avenue and Powelton Avenue to determine if four (4) way-stop signs could be warranted.

ii. High-Visibility Intersection Improvements – King Street

Borough Manager Bashore provided an overview to considerate the installation of high-visibility intersections at crossing locations, Borough Council may wish to consider having the Public Safety Committee evaluate intersections on King St. for this type of improvement. Installing this type of improvement may be beneficial at locations that do not meet the warrants for an all-way stop intersection. Currently, the following seven (7) intersections have marked crosswalks (from east to west): 1) Ruthland Avenue & King Street; 2) Church Street & King Street; 3) Bridge Street & King Street; 4) Channing Avenue & King Street; 5) Warren Avenue & King Street; 6) Powelton Avenue & King Street; and 7) Crest Avenue/Karen Drive & King Street.

The intersections with Ruthland Avenue and Church Street have pavement markings to define the crosswalk locations. Bridge Street & King Street is designated as an all-way stop intersection, as is Powelton Avenue & King Street.

Currently, the intersection of Channing Avenue & King Street has painted

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crosswalks on two (2) sides, but there is no traffic control on King Street in this location. Due to the heavy pedestrian traffic along King Street in the business district, it may be beneficial to have the Public Safety Committee review these intersections and have the Borough traffic engineer provide recommendations.

iii. Draft Traffic Calming Plan – Old Lincoln Highway

Borough Manager Bashore provided an overview of the traffic study presented in February 2016 that included the evaluation of the intersection of Broad St./Raffaella Dr. and Old Lincoln Highway. The highest rates of speed were found at this location. In the plan, McMahon Associates recommended the Borough undertake roadway “right-sizing” to address speed issues, noting that Old Lincoln Highway is wider than necessary for its classification and land uses it serves. The study recommended the following measures be considered: 1) Median - provide a small (6' minimum to accommodate a pedestrian refuge x approximately 20') raised, landscaped median at each approach to the intersection; 2) Textured crosswalk-provide textured crosswalks (with pedestrian crossing signage) to enhance the crosswalks for pedestrians; 3) Gateway-install a gateway sign on the eastern leg similar to those installed on King St. at Sugartown Rd.; 4) ADA handicap ramps on the south corners of the intersection should be provided; and 5) White edge lines-install wide edge lines to designate the travel lane width and reduce the street width along Old Lincoln Highway at the intersection and beyond.

Borough Council had previously discussed the possibility of extending sidewalk along the south side of Old Lincoln Highway to connect with existing sidewalk at the intersection with Bridge St. and Old Lincoln Highway. The reason for this consideration is due to the fact that the developer of 347/361 Old Lincoln Highway is being required to install sidewalk along Old Lincoln Highway in front of Rubino Park as part of their approval.

In addition to sidewalk, the Public Works Committee discussed the possibility of installing curb-bump outs at the intersection of Broad Street/Raffaella Drive and Old Lincoln Highway to address the size the intersection.

The Borough Engineer, Dan Daley, P.E., prepared a plan that was reviewed by the Public Works and Public Safety Committee. The plan would reduce the width of the roadway from approximately 30 ft. to 24 ft. to 22 ft. at the intersection. It was recommended that a landscape island and gateway sign be installed to the east of the intersection near the Borough boarder and install pavement striping at the northeast corner of the intersection. Additionally, the Public Safety Committee discussed breaking the project into phases.

Dan Daley’s estimated cost for this project is \$302,847.88. Based on the information contained in McMahon Associates’ traffic study, the estimated cost of the landscape island is \$6,000 to \$16,000. A significant portion of the cost is the mill and overlay of Old Lincoln Highway that will be necessary. This is required to relocate the crown of the roadway into the new center of the road in order to provide for proper drainage. This could be a project that we seek funding for through Chester County’s Community Revitalization Program. Borough Manager Bashore advised that any funding that would be applied for/awarded would most likely result in a project start a year after funding is awarded.

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iv. Regional Traffic Calming Plan

Council Vice-President Uzman recommended to the members of Council that he has and is willing to coordinate with the surrounding municipalities, specifically Willistown Township and East Whiteland Township in developing regional traffic management projects, possibly through the creation of taskforce consisting of municipal officials from the three municipalities.

Borough Council was unanimously agreement to have Council Vice-President lead the coordination efforts to create and manage a regional traffic calming plan.

c. Delaware Valley Workers Trust – Coverage Changes

Borough Manager Bashore stated the Delaware Valley Workers' Compensation Trust is a regional risk sharing pool providing coverage for work-related injuries and illnesses for employees of participating members.

A motion was made by Council Member Lexer, seconded by Council Member Arena and unanimously carried by a vote of 6-0 to authorize the Borough Manager to execute an agreement with the Delaware Valley Workers Trust to provide Workers Compensation coverage for a two (2) year period.

d. Police Chief Marcelli announced that “Walk to School Day” is Wednesday, October 5, 2016 and to be mindful of it when commuting. The Malvern Police Department has coordinated the event with the surrounding schools in the Borough.

12. ADJOURNMENT:

At 9:24 p.m. Council Vice-President Uzman stated Council will adjourn to Executive Session to discuss legal and personnel matters.

Council Vice-President Uzman reconvened the public meeting at 9:55 p.m.

All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Vice-President Uzman and unanimously carried by a vote of 6-0 to adjourn the meeting at 9:58 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary