

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

August 21, 2018  
7:30 P.M.

PRESIDING: Council Vice-President Uzman

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:

PRESENT:

Council Vice-President Uzman  
Council Member Finkbiner  
Council Member Laney  
Council Member Meisel  
Council Member Raynor  
Council Member Sinquett  
Mayor Burton

ABSENT:

Council President Grossman

Council Vice-President Uzman announced that Borough Council met in Executive Session prior to this evening's meeting to discuss matters pertaining to zoning violation settlement.

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 member of the audience identified themselves as recording the meeting.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Finkbiner, seconded by Council Member Laney, and carried by a vote of 6-0, to approve the minutes of the meeting held on Tuesday, August 7, 2018, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Laney seconded by Council Member Sinquett, and carried by a vote of 6-0, to approve the Treasurer's Report, the Committee Reports for Finance & Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement Department 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 2018, as submitted.

5. BOROUGH COUNCIL COMMITTEE REPORTS:

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a. Financial & Administration

Council Vice-President Uzman stated the Finance & Administration Committee last met on August 7, 2018. Items before the Committee included follow-up discussion on parliamentary procedures, obtaining prices for an external IT audit, investment of Borough funds with Meridian Bank, a model Temporary Transitional Duty Program policy, discussion on the proposed Community Installation Application, the proposed new agreement with the Brandywine Valley SPCA, and a discussion on the stipend for Borough elected officials.

b. Public Safety

Borough Manager Bashore stated the Public Safety Committee last met on July 17, 2018 meeting of Borough Council. The Committee is currently reviewing proposed ordinances pertaining to the keeping of backyard poultry (to accompany the proposed Zoning Ordinance amendment) and the use of fireworks in the Borough. John Yurick, P.E., the Borough Traffic Engineer, will provide a presentation on the *Malvern Borough-wide Multimodal Transportation Study* at the September 4, 2018 meeting. Information on proposed safety improvements in front of Eastside Flats will also be discussed at that time.

c. Public Works

Council Member Sinquett stated the Public Works Committee last met on August 21, 2018, prior to this evening's meeting. Topics before the Committee included a discussion on the proposed sidewalk along Warren Ave. associated with the approved Eagle Scout Service Project at Quann Park, a review of the schedule for the Ruthland Avenue Pump Station/Force Main project, discussion on the drainage concerns on Highland Avenue and a review of potential additional paving projects for 2018.

6. RESOLUTION NO. 768 – AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE PECO GREEN REGION OPEN SPACE PROGRAM FOR THE DEVELOPMENT OF A MASTER PLAN FOR RANDOLPH WOODS:

A motion was made by Council Member Laney seconded by Council Member Sinquett, and carried by a vote of 6-0, to adopt Resolution No. 768, authorizing the submission of an application in the amount of \$10,000 to the PECO Green Region Open Space Program for the development of a master plan for Randolph Woods.

7. PRESENTATION – DAN DALEY, P.E. (BOROUGH ENGINEER) – PROPOSED ROADWAY/SIDEWALK IMPROVEMENT PROJECTS:

a. Crest Ave. (King St. to Monument Ave.)

Borough Manager Bashore stated a mill and overlay project on Crest Avenue was identified as a need by the Public Works Department and confirmed by the Public Works Committee during formulation of the 2018 budget.

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Dan Daley, Borough Engineer, stated that his office evaluated the condition of Crest Avenue and it was recommended not to proceed with only base repair at this time due to the condition of the road. He determined that the best course of action would be to install curb and sidewalk in conjunction with the repaving as opposed to paving this year and potentially installing sidewalk in 2019 in order to avoid cutting into a newly paved road. In examining sidewalk on Crest Avenue, there is currently sidewalk at either end on the west-side. A sidewalk portion does exist on the east-side of the road at the intersection with King Street.

Dan Daley, Borough Engineer, stated the proposed plan outlines the mill and overlay of Crest Avenue, establishing a general uniform 28 ft. cartway, installing curb and sidewalk of the west-side to connect the two (2) sections that currently exist, and install curb on the east-side. Mr. Daley stated that the cost estimate includes sidewalk on the east-side of Crest Avenue with the sidewalk removed on the east-side and only curb installed, the estimated cost is \$229,376.74 that includes construction, contingency and engineering.

Paul Rice, 21 Crest Avenue, had questions regarding sidewalk maintenance and homeowner responsibilities.

Andrew Loew, 34 Crest Avenue, inquired about what the Malvern Borough Code says about sidewalk maintenance, including snow removal and crack repairs.

Betsy Bury, 33 Crest Avenue, asked who is responsible for existing sidewalk maintenance. Borough Manager Bashore stated the existing sidewalks are the responsibility of the homeowners.

Isabel Leininger, 211 Channing Avenue, suggested that the Borough Engineer ensure the quality of the top soil and grass seed is sufficient to prevent weeds from growing as did not appear to have occurred for the Channing Avenue Streetscape Project.

Council Member Finkbiner asked for a timeline for the Crest Avenue project. Dan Daley said the bid process takes an estimated twenty-eight (28) days to complete. He anticipates completing the design phase the week of August 27, 2018 and Borough Council will be able to review the final designs prior to soliciting for bids.

Council Member Finkbiner asked if the east-side curb should be a bid alternate. Dan Daley said the curb work should remain in the bid in order to aid with stormwater drainage and integrity of the roadway base layer.

A motion was made by Council Member Laney, seconded by Council Member Sinquett, and carried by a vote of 6-0, to authorize the Borough Engineer to prepare bid specification and a public bid package.

b. Second Ave. (Warren Ave. to Channing Ave.)

Dan Daley, Borough Engineer, stated based upon his observations (current and historical), when a vehicle is stopped on Second Avenue at the intersection with South Warren

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Avenue, it is difficult for a vehicle to enter Second Avenue due to the narrow roadway width. Often, the vehicle on Warren Avenue must wait till the Second Avenue vehicle exits to complete the turning movement. To avoid this conflict of the turning movement, the following are options that should be considered:

### 1) Widen Second Avenue

Second Avenue could be widened at the intersection and a minimum distance of 60-feet (three car lengths) to safely accommodate a stopped vehicle on Second Avenue and incoming vehicles from South Warren Avenue. Mr. Daley recommends a minimum width of 24-feet for Second Avenue (widening of 5.25-feet) and line striping to be installed.

### 2) Restrict Second Avenue to one-way traffic

Second Avenue from Channing Avenue to South Warren Avenue can be restricted to be one-way traffic. To minimize the potential for accidents on exiting onto South Warren Avenue, Mr. Daley would recommend the traffic be restricted to allow for vehicles to travel eastbound on Second Avenue (from S. Warren Avenue to Channing Avenue). Due to the reduced traffic movements and local roadway conditions on Second Avenue, two-way traffic could be maintained from Channing Avenue to Green Street.

Dean Kaiser from McMahon Associates, Borough Traffic Engineer, was present to discuss an analysis of the proposed project that was completed. Mr. Kaiser stated that, based on his analysis, widening Second Ave. to a 24-foot wide cartway would still not be sufficient enough to allow a truck or other large vehicle to safely navigate the intersection of Second Ave. and Warren Ave. Mr. Kaiser noted that there would still be a conflict at the intersection if a truck or other large vehicle were making a right on to Second Ave. from Warren Ave. and a vehicle was in the westbound lane of Second Ave.

Glenn Diehl, Attorney for Alda Cortese, 234 Channing Avenue, and equitable owner of Lot #5 of Gables/TAG Development project, stated that widening Second Avenue would degrade the quality of life of his client. Mr. Diehl referenced three (3) concerns that his client had with the proposed road work: 1) Widening the road would increase traffic speeds, 2) Sidewalks on Second Avenue would not connect to the existing sidewalk network, and 3) Intersection improvements would need to be done to ensure vehicle safety. Mr. Diehl clarified that his clients is against the widening of Second Avenue and the installation of sidewalks along Second Avenue, however she not against improving the safety of the intersection of Warren and Second Avenues.

Isabel Leininger, 211 Channing Avenue, does not support the recommended improvements on Second Avenue as it could increase gridlock of vehicles heading north of Channing Avenue towards St Patrick's Roman Catholic Church and school and a number of mature street trees would have to be removed in order to accommodate the improvements.

Marie Lasota, 227 South Warren Avenue, said Borough Council should identify less expensive means to address vehicle and pedestrian safety on Second Avenue. Ms. Lasota

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recommended that Borough Council identify a way to have the Malvern Retreat wall, along Second Avenue, be moved back from the intersection of South Warren and Second Avenues.

Brendon Phillips, 228 Church Street, said that widening Second Avenue would increase vehicle traffic and speeds, therefore he does not support the roadway improvements.

Joe Bones, 225 High Street, was caught off guard by the recommended roadway improvements as it would destroy green spaces and encourage more traffic leading to more safety issues.

Connie Scanga, 152 Woodland Avenue, opposes the project citing increase in traffic on Second Avenue and the safety issues that would be created at the intersection of South Warren Avenue and Second Avenue.

Danny Fruchter, 234 Channing Avenue, said he thinks there was a lack of thorough planning, including not reaching out to the residents that reside of Second Avenue and adjacent roads. He stated that none of the borough plans, such as the Comprehensive Plan do not recommend a sidewalk to be installed on Second Avenue. He said there was not public involvement to aid in identifying the problem, if any, and what viable solutions or options may exist. Most of the issues on Second Avenue are vehicles operated by non-residents, any taxpayer projects should focus on pedestrian-oriented activities as that would affect more taxpayers.

Danny Fruchter, 234 Channing Avenue, requested the enclosed emails of residents opposed to the Second Avenue Improvements be entered into record of the August 21, 2018 Meeting Minutes. Borough Council agreed to have the emails entered into the official record.

Lynne Frederick, 227 East Broad Street, stated that there are other roads in the Borough not in compliance with existing regulations, noting specifically the private road off of Old Lincoln Highway and how that has been stated to the owners at past meetings. Ms. Frederick noted that, since this is a Borough-owned road, it would be appropriate to want to bring Borough-owned roads up to the Borough's standards. Ms. Frederick stated that, a Planning Commission member, the Planning Commission had not reviewed this project as it is not in their purview.

Kel Schmitt, 17 Channing Avenue, noted that there is precedence for removing street trees in order to install sidewalks. Also, a sidewalk along Second Avenue would provide access to Borough Hall, Quann Park, and Malvern Retreat – arguably more connections than the current Borough project on N. Warren Avenue.

Cathy Raymond, 6 Karen Drive, stated that vehicle traffic and pedestrian safety are interconnected and Borough Council should monitor how both factor into any future roadway projects.

Borough Council agreed to send the Second Avenue Improvements back to the Public Safety Committee for review. Borough Council will review the comments from the Public Safety Committee and potentially redirect the project to the Public Works Committee or to another committee.

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c. Borough Council Communication

Council Vice-President Uzman stated the procedures for how Borough Council Communications, specifically emailing with the public, is located in the Home Rule Charter and the Borough Administrative Code.

8. UNFINISHED BUSINESS:

a. Proposed Zoning Ordinance Amendments

i. Backyard Poultry – Amendment to Section 220-2312 (Keeping of Pets & Livestock)

Borough Manager Bashore stated at the July 17, 2018 meeting, Borough Council authorized the sending of a proposed Zoning Ordinance amendment pertaining to backyard poultry to the Chester County Planning Commission for review and comment pursuant to the Municipalities Planning Code. The proposed ordinance would amend the following:

- Limit the types of properties where chickens and ducks may be kept to single-family detached dwelling and two-family semidetached dwelling (twin) units within a residential district.
- Require a predator-proof enclosure that is located not less than 10 feet from any lot line and at least 12 square feet, but no larger than 32 square feet.
- Limit the number of birds to no more than four (4) and prohibiting the keeping of roosters.

Borough Manager Bashore stated in a letter dated August 15, 2018, the Chester County Planning Commission provided comments on the proposed Zoning Ordinance amendment. Some of these comments, such as the keeping of feed in a rodent-free container and the sanitary living conditions, would be addressed by the accompanying ordinance amending Chapter 68, Animals, currently under review with the Public Safety Committee. Prior to scheduling a public hearing, these comments should be reviewed by the Borough's Planning Commission.

Borough Council agreed to send the draft Zoning Ordinance amendment back to the Borough's Planning Commission for review based on the comments received from the County Planning Commission.

ii. Proposed Zoning Map Amendment – Proposed rezoning of certain parcels from the R-4 to the I-4 zoning districts

Borough Manager Bashore stated at the July 17, 2018 meeting, Borough Council

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authorized the sending of a proposed ordinance to amend the Zoning Map to the Chester County Planning Commission for review and comment pursuant to the Municipalities Planning Code. The proposed ordinance would rezone certain parcels currently in the R-4 Residential zoning district to the I-4 Institutional zoning district. This proposed rezoning is related to the current land development application for St. Patrick's Roman Catholic Church currently under review by the Planning Commission. The next step is for Borough Council authorizes the advertisement of the proposed Zoning Map amendment for a public hearing as required.

A motion was made by Council Member Sinquett, seconded by Council Member Finkbinder, and carried by a vote of 6-0, to authorize the proposed ordinance for advertisement, with the public hearing at Tuesday, October 2, 2018 meeting of Borough Council.

### b. Delaware Valley Regional Planning Commission – Streetlight Procurement Program

Borough Manager Bashore stated at the August 7, 2018 meeting, Borough Council discussed the potential participation in them Delaware Valley Regional Planning Commission's (DVRPC) Regional Streetlight Procurement Program. This program prepares the resources needed to design, procure, and finance the transition to LED street lighting. Essentially, DVRPC will bid out the services and material, with each municipality having their own contract with the selected vendor. At the conclusion of the discussion, Borough Council decided not to participate in the program. This information was communicated to DVRPC.

On August 14, 2018, DVRPC notified the Borough Manager that they were making changes to the program and would like to know if the Borough would reconsider participating. Borough Manager Bashore reviewed the changes to the Regional Streetlight Procurement Program.

A motion was made by Council Member Laney, seconded by Council Member Sinquett, and carried by a vote of 6-0, to approve the draft Letter of Intent to be sent to the Delaware Valley Regional Planning Commission to commit to being a participant in the Regional Streetlight Procurement Program.

## 9. NEW BUSINESS:

### a. Zoning Hearing Board

Borough Manager Bashore stated the Borough Council met on August 21, 2018, prior to this evening's public meeting to discuss a proposed settlement agreement between the Borough and LaGrie, LLC, the owners of 353 Old Lincoln Highway. This agreement is the result of the affirmation of the Notice of Violation issued by Neil Lovekin, Zoning Officer, for violation of the woodland and specimen vegetation standards in the Zoning Ordinance. The proposed settlement outlines the following: 1) Payment of all outstanding professional fees due to the Borough, 2) Payment of a fine to settle the zoning violation. In addition, LaGrie, LLC will not file an appeal and withdraw their pending variance request, and 3) Replacement of thirteen (13) trees. In the event that any trees cannot be planted on the property, LaGrie, LLC will pay the Borough \$300 per tree as a fee-in-lieu of the required replacement trees.

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Council Member Finkbiner recommended that Borough Administration ensure the draft tree listing in the Subdivision and Land Development is cross-referenced so the replacement trees are acceptable.

A motion was made by Council Member Laney, seconded by Council Member Finkbiner, and carried by a vote of 6-0, to accept the Settlement Agreement with LaGrie, LLC.

### 10. PUBLIC FORUM:

Council Vice-President Uzman informed all present that Public Forum is the time to offer comments on any item not on the agenda and to bring any issues/concerns before Council.

Kel Schmitt, 17 Channing Avenue, asked when the next scheduled Bulk Trash pickup will be. Borough Manager Bashore stated Saturday, October 6, 2018.

Kel Schmitt, 17 Channing Avenue, asked when the yellow centerline stripping on East King Street will be completed. Borough Manager Bashore will follow-up with the Public Works Superintendent for a timeline.

Kel Schmitt, 17 Channing Avenue, stated a picnic table is missing in Burke Park. Borough Manager Bashore will look into the matter by speaking with the Public Works Superintendent.

Kel Schmitt, 17 Channing Avenue, asked if InGreat Valley magazine is charging the borough any fees for the publication. Borough Manager Bashore said the magazine company is not charging the borough for the publication.

Danny Fruchter, 234 Channing Avenue, made comments regarding how the public may communication with Borough Council.

Suzanne Stuut, 218 Channing Avenue, requested that the next time the Public Works Department trims the hedge along the property line adjacent to hers that they take care not to trim her shrub.

Police Chief Marcelli reminded the public that on Monday, August, 27, 2018 schools in the borough will be open and to watch for children when in their vehicles.

### 11. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Meisel, seconded by Council Member Laney, and carried by a vote of 6-0, to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Secretary

LETTERS TO COUNCIL RE: SECOND AVE STREET WIDENING AND SIDEWALKS

Dear Member of Council;

There is a problem at the intersection of Second and Warren, and there are several ways in which it can be thoughtfully addressed. It is not necessary to either widen or sidewalk Second Avenue all the way to Channing to remedy this problem.

This is an emotional issue for me - to lose two trees, a coral bark maple and a weeping cherry, both over 25 years old, both gifts - so that more traffic can speed down Second Avenue in order to avoid stop signs on Warren and a traffic signal at Warren and King is heartbreaking. With the loss of these trees, plus a small flower bed and a flowering shrub, and a wisteria covered trellis, comes the loss of approximately one-half of my side yard. Instead of a cool and fragrant Spring, and a shaded Summer, I will have more fast traffic and more noise closer to my home which already has the over sized TAG homes looming over the back yard. And TAG has not yet finished building.

Because you have the right and the money to do something doesn't mean that it is right, or proper, or just, to do it. Please reconsider and re-think this project.

Yours,  
Alda Cortese  
234 Channing Avenue

Dear Borough Council and Borough Manager,

I am writing because I am opposed to the proposed project to widen Second Avenue on the grounds that **there is no mention of this capital project in the current Comprehensive Development Plan.**

**This plan was approved by Borough Council in 2012 as the overarching guidance document for Borough Developments.** As a former Comprehensive Development Plan Task force member, I remind you that this plan is the culmination of over two years of public meetings with the prior Borough Manager, fellow borough residents, and members of the Chester County Planning Commission. Through this joint effort we crafted a detailed plan on all developmental aspects of the Borough for a 10-year time horizon.

If the existing Borough Council feels there are large scale development projects, such as Second Avenue widening, that are needed that were not anticipated in the existing plan, then Borough Council's recommendation and action should be to update the new development plan and THEN

initiate these large projects. Please act responsibly, demonstrating thoughtful governance. **Take the time to consider the costs and relative priority of this proposed project within the context of all the previously identified needs of the Borough.**

Also of great concern, there is no way that a development project of this type should be considered without input from the current Malvern Planning Commission, which has not yet made a recommendation based on the posted meeting minutes. While I realize that road widening is not specifically a SALDO project, the Planning Commission is the Borough's resource for planning and development issues. There is not cost for this consultation. Please use this resource as a sounding board, especially given the educational background and professional experience of the chair.

**With this said, if there is a critical and well-documented safety need to be addressed here that cannot be mitigated with any other possible action** (particularly a less costly alternative, such as creation of a one-way street), then please document this need based on the result of an external traffic study and expert opinion of a certified traffic engineer. The transparency of the WHY for this project is currently lacking. Why are you initiating this project now? Why on this timeline? Why haven't you asked for feedback from available borough resources? Why haven't you conducted a study to evaluate impacts and alternatives? Consider that wider roads always create faster traffic flow, and the need to reduce traffic flow was a Plan priority.

Borough Council Members, I would implore you to use available funds to tackle a project on the list of Comprehensive Plan Priorities, specifically something in Table 2-1 of the plan (<http://www.malvern.org/wp-content/uploads/2013/03/Ch-2-Policies-Actions-6-12.pdf>).

With so little documented consideration, this Second Avenue widening project strikes me as reactive, unplanned project which has been timed to get a quick summer approval. Please consider that the same turning radius issue existed at this intersection just a short 6 years ago during plan review, but was deemed such a low priority that it did not warrant mention in the Plan. If the need for this project is has increased over the past 6 years, then the need to widen this intersection will reveal itself through due process of a Comprehensive Plan Update.

One additional point, you also need to consider this action in the context of larger regional development projects, particularly the Malvern-Willistown Greenway Master Plan. I believe a portion of Second Avenue lies along or is one block off the proposed route (<https://www.willistown.pa.us/DocumentCenter/View/262>, see map on page 9).

Please....elected Council members. I implore you to plan first, minimize impacts, mitigate impacts, and spend last. Do not approve widening of this street without truly considering the impacts of this plan to both local residents and the loss of opportunity of using these funds elsewhere. I would appreciate that you please acknowledge receipt of this message.

Signed,

**Cecelia** Oswald

PS. As a reminder:

The comprehensive plan is one of the most important tools municipalities and counties can use for land use planning and local governance. The plan serves as an official public document that guides public and private decisions about physical development in the community. It is an explicit statement of future goals for the community, and serves as a formal vision for the planning commission and other public agencies, elected officials, private organizations, and individuals. The comprehensive plan also is a measuring tool for evaluating specific development proposals and their impact on the general public welfare.

<http://planningpa.org/wp-content/uploads/4.-Comprehensive-Plans.pdf>

Dear Members of Borough Council,

As my husband and I will be unable to attend the August 21st meeting, I am submitting this letter for your consideration regarding our thoughts on the proposal to widen 2nd

Ave. between Warren and Channing and to install a sidewalk on the north side of the street.

First, we are troubled by the fact that this does not seem to be initiated by or driven by a particular need expressed by the residents on or near 2nd Avenue. When additional speedbumps and stop signs were installed on Monument Avenue, it was very much a community driven effort, spearheaded by Monument residents, to ensure the safety of residents on that street. This proposal seems to lack any support from neighbors on 2nd Ave. or on the abutting blocks. Perhaps there has been a public safety issue raised regarding the turning radius from Warren Ave. You should recall that the turning radius was discussed and dismissed at the time the TAG project was approved. At the same time, a sidewalk was discussed and it was decided that it was not necessary and so TAG did not have to include that in the plans. The Borough had the opportunity to make both those changes at that time, more than likely funded by the developer in whole or in part, but no such action was deemed necessary. Now, two years later we find the Borough wishing to undertake project at taxpayers expense instead. What has changed and who is driving this? It is certainly not the residents on or near the 1st block of 2nd Avenue. Why did we excuse a developer from this infrastructure investment only to decide the taxpayer should foot the bill?

Our second concern is the removal of several more mature and attractive trees from streetscape. You will recall that TAG was required to leave the large evergreen on the corner as part of the approval of his plans. The tree was removed in spite of the Boroughs directive and he had to provide trees for reforestation in another part of the Borough, a small consolation for the irreplaceable loss on that corner. This new plan, with the widening of the street, not to mention the installation of a sidewalk, ensures that the other large trees on the north side of that block will be similarly destroyed. While communities all over the country engage in the widely popular Treevitalize Program, Malvern (billing itself a Green Country Town) seems to be engaged in a de-treevitalization by installing sidewalks that necessitate the removal of our beautiful old streetside trees. This may be necessary in order to eliminate hazardous old sidewalks but we should very seriously weigh the benefits of a sidewalk to the loss of a shaded streetscape. The EPA has issued a study outlining the benefits of an urban treescape that compares shaded asphalt, among other surfaces, to unshaded:

|"Trees and vegetation lower surface and air temperatures by providing shade and through evapotranspiration. Shaded surfaces, for example, may be 20–45°F (11–25°C) cooler than the peak temperatures of unshaded materials."

Some residents of Second Avenue have raised the concern that there is already a tendency for traffic to exceed the limit and that any widening of the road beyond the turning radius issue is likely to exacerbate that behavior. Particularly widening the first

block off Warren would encourage drivers to "get up a head of steam" which would in all likelihood continue into the narrower blocks further east.

Finally, we offer some thoughts on the aesthetics of our community. This was our initial reaction upon hearing of this proposal and while it has been shared with a few Bourough officials, we want to share it with you and have it added to the public record:

Over many years of travel, both here and abroad, I have found that the towns and villages that I remember as most charming and memorable benefited from a diversity of pedestrian options. In the center of town, there is a formality and money has been spent to provide pavements leading to shops, benches for folks to relax and chat, parking for vehicles, etc. Streets leading into the center of town, like spokes on a wheel, similarly have improvements that facilitate pedestrian traffic in an effort to encourage commerce and community engagement. However, as you reach the outer streets where town begins to merge with "country", there is a gradual transition to less formality and more of a feeling of lanes where gardens reach to the very edge of roadways, lawns transition to street, and a feeling of being out of the hubbub envelopes you as you walk what are usually shadier, quieter, calmer streets.

It's been my observation during my 7 years living in Malvern that people who walk, alone, with friends, with children, with dogs, tend to favor 1st Avenue where I live, over Roberts (paved) or King (paved) and I believe that it's because of the shade and the gardens hugging the street and the sense of calm that the street offers. 2nd Ave. is just as attractive as a pedestrian way for the same reasons and I often encounter folks walking there, again because of the trees and the feeling one has of being a little outside of "town".

When there is a choice, I go to the side of the street that has no sidewalk--like walking 1st Ave where I always walk on the side with the ball field instead of where the pavement is. Having that choice in this town of ours is important to me. On our side of town, we still have two streets where folks can stroll without sidewalks and hordes of Malvernites are choosing those streets for their walks and runs each day. Their behavior speaks volumes about the value of having "unimproved streetscapes" as an option and the fact that they are the streets at the edge of town, abutting undeveloped land, gives us the perfect excuse to keep them that way. It adds to the charm, provides diversity of options, and is in keeping with patterns that have developed over centuries in beautiful towns and villages that people

spend tourist dollars to go explore. Why not preserve that same charm right here in our own little town?!

Sid and Norm Baglini

To all concerned Malvern residents and officials:

It has been shared with me that there is a plan to alter significantly the landscape of Second Avenue. I am a resident of Broad Street since 2001 and want to offer my perspective on the consequences of changing regulations on local streets for the purpose of 'safety'. Broad Street no longer has parking during the day, because a truck made a bad turn about four years ago and took off a tree branch. It was announced as a safety issue. The cars and trucks now POUR onto Broad at speeds exceeding the limit with astonishing regularity. If the Malvern Police force doubts me, you can park in my driveway (I have a car park) any weekday and write tickets for at least half of the 150 cars and trucks which slow down for nothing, not even the crazy old coot (me) who stands in the middle of the street and tries to get them to realize that seniors, pets, little children and cars pulling out of driveways are in evidence ALL DAY LONG. Broad Street is NOT being maintained as a residential street; it is now a commercial thoroughfare. That may not be likely to happen to Second Avenue, but if ten trucks a day decide to take a short cut to avoid the light in the center of town (like the thirty or forty cars a day that choose to go up Broad rather than under the train trestle), you have sacrificed another of the lovely things that make this the most sought after borough in the area. The people ravaging the trees along Second Avenue don't live here - they will walk away when their work is done, and not look at it anymore. Think twice about what you are doing to yourselves as well as us, because one day you will turn around and see twelve thoroughfares that used to be great residential streets.

Tom Teti

115 West Broad Street

August 13, 2018

Dear Members of the Borough Council,

I am unable to attend the August 21, 2018 Borough Council meeting. However, as a member of the Malvern Planning Commission and a member of the community, I am writing to express my concerns about the road widening project proposed for Second Avenue between South Warren Avenue and Channing Avenue. It is my opinion that this widening project would not benefit the community of Malvern as a whole, and that it could undermine some of the objectives of the 2012 Comprehensive Plan.

The first issue I have with widening the road relates its proximity to the St. Joseph's Retreat property. This property, which lies along Channing Avenue, was identified as part of Malvern's open space network. It is also a parcel that could be integral to creating a "largely wooded greenway" that extends along the southern boundary of the Borough. This greenway would serve as a welcoming gateway into the Borough and provide Borough boundary delineation. To enhance the greenway, bordering roads and properties should provide a buffer that can help reduce impacts from development by providing a transition between the greenway and the urban landscape. Widening the road, removing older trees and vegetation, and installing a sidewalk would result in an abrupt transition that could produce edge effects

within the greenway (i.e., the surrounding conditions would exert influence beyond the road edge and prevent the development of interior environmental conditions).

I also question the necessity of widening Second Avenue and adding sidewalks. If the idea is to incorporate the road into the urban network of the Borough, it seems resources would be better spent closer to the train station. The comprehensive plan proposes coordinated land use development to create a transit-oriented development for more efficient land use. TOD calls for more concentrated and walkable development within a quarter mile radius of a railway station to promote “location efficiency.”<sup>1</sup> Second Avenue is farther than a quarter mile from the Malvern train station, and within that quarter mile buffer, there are roads that do not have sidewalks (Fig. 1). Planning for sidewalks should be tied to the larger vision for the Borough. In addition, the proposed project would only affect one block (0.07 miles) of the road, which is 0.25 miles long. The proposed project seems to lack context and could be perceived by the community as a “road to nowhere” kind of project that benefits only the occasional traveler.

Finally, I wonder if the scope of the project is appropriate and if the resources spent on this road widening project could be better spent elsewhere. If there are issues with the road, such as the turning radius at its

<sup>1</sup> Cervero, Robert. 2009. “Transit-oriented Development.” in Local Planning, eds. Gary Hack et al. Washington D.C. ICMA Press.

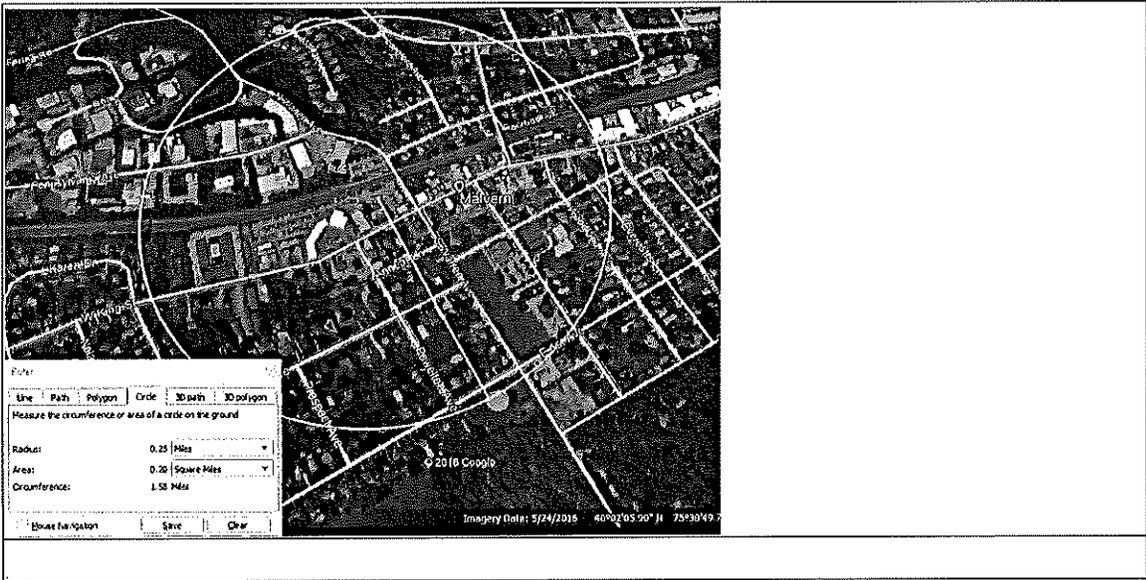


Fig. 1. Google Earth image of Malvern Borough showing a 0.25 mile radius from the Malvern train station.

intersection with Warren Avenue, could these issues be addressed through a smaller-scale project? Also, there must be other problems identified by Borough residents that could be mitigated with the capital that will be spent on this project. For example, there is a stormwater runoff problem that affects residents of Highland Avenue, Malvern Avenue, and Goshorn Drive (note of disclosure: I am one of them). This issue was brought to the attention of Borough Council by Tony Mancini on July 17, 2018, but there is also a record of this issue on file that goes back over eight years. This is just one example, but it highlights the issue of prioritization.

Transparency is a crucial element of small government. I am asking the Borough Council to be transparent in determining which projects will be completed and how projects are prioritized, especially if they are moved ahead of other necessary public works projects. Specifically, I ask that you do not fast-track this project and that you provide more information including a traffic study that presents findings that show the need for any changes made to the road.

As we work to shape the future of the Borough, we must consider the outcomes of each decision and their cumulative impacts. Projects undertaken because they are opportunistic, can undermine strategic planning efforts, which, in turn, can undermine our community vision. Please consider these points when making your decision about any improvements to Second Avenue.

Sincerely,

Zoe Warner,  
Ph.D. Candidate Environmental Planning 3 Goshorn Dr.

Dear Members of the Borough Council:

I am writing to share my concerns about the proposal to widen Second Avenue between Warren and Channing Avenues. I am a long-time borough resident, and own property at 152 Woodland Avenue.

I attended the May 1 Council Meeting, at which time the Council moved forward with a plan to establish a four-way stop at the intersection of Powelton & Monument Avenues. At that meeting, attendees heard that the Public Safety Committee met on April 17, 2018 to review the draft Malvern Borough-wide Multimodal Transportation Study which was under completion at that time. A recommendation in the study was to establish this intersection as an all-way stop. As part of the discussion, Councilmember Finkbiner raised the point that it was a bit premature to vote on the proposed 4-way stop at Powelton and Monument, given that the transportation study had not been completed and shared with Council, nor had the Public Safety Committee and Council had the opportunity to agree on priorities for recommendations in the transportation report. Councilmember Finkbiner raised important and valid points. And, to all appearances, they were discounted. And Council voted to proceed with the planed 4-way stop at Powelton & Monument.

Since the May 1 Council Meeting, I do not recall that Council received the final multimodal transportation report and agreed to roadwork priorities based on the report. Yet, Council seems poised to vote on another traffic-related road project. I understand that in the past, our Borough engineer, Dan Daley, has looked at the intersection of Warren and Second Avenues and has recommended widening and improving the intersection. He did not, however, recommend widening the entire block between Warren and Channing Avenues.

As a neighborhood resident, I can say that I am firmly opposed to widening the entire block of Second Avenue between Channing & Warren. I frequently run and walk along Second Avenue, largely because it is one of the remaining streets in town that isn't clogged with traffic trying to get quickly from one point to another. I also appreciate the quiet, pastoral "feel" of walking along Second Avenue. If the street is widened the quiet will be gone. And truthfully, as a neighborhood resident, I know that when I leave my house and drive west on First Avenue to the 4-way stop at First and Warren Avenues, I have to be especially cautious when I turn south on Warren because much of the through traffic on Warren does not come to a full stop at that intersection. If you approach the intersection on First Avenue and intend to turn south on Warren, it's essential to be super cautious about the turn. Now. Imagine that you drive west on the newly-widened Second Avenue with the intention of turning onto Warren. You can be assured that during many hours of the day, there will not be a sufficient break in traffic to allow you to safely turn either north or south on Warren Avenue. Will you also make the intersection another 4-way stop intersection –one that is respected as laughably as the one at the intersection of First and Warren Avenues?

I think the plan to widen the full block of Second Avenue is a poorly conceived plan. It makes sense to widen and improve the intersection area as previously recommended by the Borough Engineer. To widen Second Avenue along the entire block between Warren and Channing will destroy the natural beauty of the block, and will further exacerbate traffic woes in a new spot in Malvern. It's a poorly conceived plan, and I urge you to not do it!

~**connie** scanga

Jamie,

To date, I have had several contacts with Borough officials, including you, concerning the Public Works Committee's proposed widening of the cartway and sidewalk (the north side) of Second Ave, from Warren to Channing. These contacts include a brief conversation with Zeyn, a two hour conversation with Carroll (covering several topics), a one hour meeting on July 31 with you, Dan Daley, Zeyn, and Chris Bashore on site. Also, I have emailed the entire Council once before this, as well as Zeyn, John, Carroll, you, and Chris (several times).

The main thrust of these contacts could be summarized as mine and Alda's unalterable opposition to the project's destruction of the beautiful plantings within the ROW on our deeded property at 234 Channing Ave. **without good public service reasons.**

Time and time again I have asked Public Works and Management for these reasons; simply a statement of the problem(s) and how the project is designed to address it (them). Every time I communicate I ask this same question (and did so again in my reply to an email from Chris on

Aug.6 in which he asserted *there are other reasons....without actually naming any. So far I have received no reply).*

At no time has anyone advanced a credible reason for this project other than the difficulties of the turning radii at the intersection of Warren and Second, *which is more than 300 ft. from our property.*

Almost unbelievably, when I posed the question "Why?" to the Borough's engineer, Dan Daley, onsite on July 31, I was told by all present that *he was not there to tell me what problem the project was designed to address.* He was only there to explain the project's impact on Alda and me, the property owners.

I then asked this question of Zeyn and Chris. They said the project was principally intended to address the intersection of Second and Warren.

Now Jamie, you were there for this:

I then asked Dan if the project proposed by the Public Works Committee and Borough management to widen and sidewalk all of Second Ave between Warren and Channing, was the best way to rectify the main problem. *I was told by Dan and Chris and Zeyn that Dan wasn't there to talk about that either*(apparently, it wasn't the Borough Engineer's job to suggest the best way to solve a Borough engineering problem).

As you know we went back and forth and back again without getting a peep out of Dan or Chris or Zeyn as to whether or not the scope of the entire project as proposed was good or necessary from the Borough Engineer's perspective.

Now, get this:

My Right to Know Request of 8:15 Tuesday morning, July 31 (our on site meeting was that afternoon) was answered by Chris on Aug 6 (after the usual maximum delay allowed by law). In it was the memorandum below from Dan Daley, Borough Engineer, dated January 23, 2018. I bold sections of it, but I quote it in its entirety.

I understand from Jamie that you all have received a copy of it, *although it had not been given to her in preparation for our onsite meeting, she was not told about during the meeting while I was asking the very questions the memo addressed, nor was she told about it after the meeting... until I sent it to her a week later.*

Here is my situation:

I feel like I need to know what the problem is that causes the need for any work on Second Ave, other than that at the intersection with Warren. Without being given the information that was withheld at the onsite meeting and was only discovered by my RTK request, I would have been in the dark regarding any professional judgement or study by the Borough.

Additionally, as I have been told there are other reasons besides the intersection issue, but I have not been informed as to what they are, nor how they were arrived at, nor how to best address them, I am not in a position to comment on that other information because it is

being withheld (perhaps like the Daley memo, such information has also not been disclosed to Council).

Here is Dan Daley's memo:

**From:** Christopher Bashore <cbashore@malvern.org>  
**Sent:** Monday, August 6, 2018 1:42:18 PM  
**To:** Danny Fruchter  
**Subject:** Right-to-Know Request - July 31, 2018

Danny,

Please see the attached response to your Right-to-Know request dated July 31, 2018.

## **MEMORANDUM**

**EDWARD B. WALSH & ASSOCIATES, INC.**

Complete Civil Engineering Design / Consultation Services  
Lionville Professional Center 125 Dowlin Forge Road Exton, PA 19341

**DATE:** TO:

**FROM:** SUBJECT:

January 23, 2018

**Christopher Bashore, Malvern Borough Manager**

**Daniel H. Daley, P.E.**

**E. B. Walsh & Associates, Inc.**

**Second Avenue / S. Warren Avenue Intersection**

**Error! Filename not specified.**

**As requested, EBWA has evaluated the Second Avenue / S. Warren Avenue intersection to provide input and recommendations for the vehicular turning movements.**

The following observations were made for the intersection:

- S. Warren Avenue is classified as a Minor Collector.
  - Second Avenue is classified as a Local Road.
  - The width of Second Avenue is approximately 18.75-feet wide.
  - The radii of Second Avenue and S. Warren Avenue are:
    - Northeast corner - approximately 11-feet.
    - Southeast corner – 15-feet +.
- Per PennDOT Publication 13-M – Design Manual Part 2, the following are the recommended design criteria for Local Roads (Town / Village Neighborhood):
- Roadway width Narrow: 26-feet
  - Roadway width Very Narrow: 20-feet
  - Curb Returns: 5-feet to 25-feet

*REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS Pennsylvania, New Jersey, Delaware, Maryland & North Carolina 610-903-0060 FAX 610-903-0080*

*www.ebwalshinc.com*

*Established 1985*

Based upon my observations (current and historical), when a vehicle is stopped on Second Avenue at the intersection with S. Warren Avenue, it is difficult for a vehicle to enter Second Avenue due to the narrow roadway width. Often, the vehicle on Warren Avenue must wait till the Second Avenue vehicle exits to complete the turning movement. To avoid this conflict of the turning movement, the following are options that should be considered:

1. **Widen Second Avenue.**

**Second Avenue could be widened at the intersection and a minimum distance of 60-feet** (three car lengths) to safely accommodate a stopped vehicle on Second Avenue and incoming vehicles from S. Warren Avenue. I recommend a minimum width of 24-feet for Second Avenue (widening of 5.25-feet) and line striping to be installed.

2. **Restrict Second Avenue to one-way traffic.**

Second Avenue from Channing Avenue to S. Warren Avenue can be restricted to be one-way traffic. To minimize the potential for accidents on exiting onto S. Warren Avenue, I would recommend the traffic be restricted to allow for vehicles to travel westbound on Second Avenue (from S. Warren Avenue to Channing Avenue). Due to the reduced traffic movements and local roadway conditions on Second Avenue, two-way traffic could be maintained from Channing Avenue to Green Street.

If you have any questions or required any further clarifications of my recommendations, please feel free to contact me.

JAMIE,

CHRIS, AND SURELY PUBLIC WORKS MEMBERS, KNEW THIS MEMO EXISTED AND CONTAINED THE ANSWER TO MY QUESTIONS ADDRESSED TO DAN DALEY ON SITE ON JULY 31. THEY ALSO KNEW THAT IN 2013 DAN DALEY HAD LOOKED AT THE EXACT SAME ISSUE IN CONNECTION WITH THE TAG DEVELOPMENT AND HAD COME UP WITH THE EXACT SAME SOLUTION.

IF I HAD NOT BEEN PRESENT IN 2013, IF I HAD NOT MADE A RIGHT TO KNOW REQUEST, IT IS A CERTAINTY THAT DAN'S OPINION WOULD REMAIN MUZZLED AND I WOULD HAVE NEVER RECEIVED THE ANSWER TO MY QUESTIONS: WHAT IS THE PROBLEM ON SECOND AVE? AND WHAT IS THE BEST WAY TO ADDRESS IT?

NOW HERE IS THE KICKER: *YOU AND THE REMAINING COUNCILLORS (NOT ON PUBLIC WORKS) AND THE MAYOR WOULDN'T HAVE THOSE ANSWERS EITHER, IF I HADN'T SENT IT TO YOU.*

WHEN CITIZENS ASK DIRECT QUESTIONS WHY DON'T THEY IMMEDIATELY GET CLEAR ANSWERS WHICH ARE PUBLIC INFORMATION? WHY SHOULD IT TAKE SPECIAL KNOWLEDGE OR SPECIAL EFFORT TO OBTAIN PUBLIC INFORMATION OUR OFFICIALS SHOULD SIMPLY OFFER AS PART OF AN INFORMED DISCUSSION? AS YOU KNOW, I HAVE BEEN IN THIS POSITION BEFORE REGARDING THE PUBLIC'S RIGHT TO KNOW. THE PUBLIC'S RIGHT TO KNOW SHOULD NOT BE OPTIONAL. TWO PREVIOUS COUNCIL PRESIDENT'S ALLOWED AND ENCOURAGED MANAGEMENT TO WITHHOLD OR DELAY INFORMATION WHEN IT WAS EMBARRASSING OR SEEMED DISADVANTAGEOUS.

I HOPE YOU WILL BE THE PRESIDENT TO CLEARLY ANNUNCIATE AND PROMULGATE A NEW OPENNESS POLICY FOR MANAGEMENT TO FOLLOW: **MAXIMUM DISCLOSURE WITH MINIMUM DELAY.**

ANY LESS IS NOT ONLY ANTI-DEMOCRATIC, IT ALSO LEADS TO WRONGS AND ERRORS BECAUSE THOSE WHO KNOW CANNOT BE ACCOUNTABLE TO CITIZENS THEY KNOWINGLY KEEP IN THE DARK. THIS PROJECT IS UNNECESSARY, A WASTE OF PUBLIC MONEY, AND DESTRUCTIVE TO THE BEAUTY ALDA AND I HAVE PROVIDED FOR ALL PASSERSBY. THE COUNCIL SHOULD BURY THIS THING NOW.

Yours,  
Danny

attachments:

1. The above memo from the Borough Engineer dated Jan 23, 2018 and the MPC Sidewalk Survey of 2015. These were Chris' answer to my RTK request for *"all" Borough documents and studies relating to streets or sidewalks* on Second Ave. since the Comprehensive Plan of 2012 cited a 2008 Borough sidewalk study.... In other words, **the Public Works Committee is recommending a project for which there has been no study, no recommendation, no previous mention of the need for, and no strategic planning. Nor has the Planning Commission had a chance to review it.**
2. The second attachment is the 2008 Sidewalk Survey appended to the 2012 Comprehensive Plan, which also appended the 2009 Revitalization Plan calling for the implementation of the Sidewalk Survey's recommendation. **Nowhere in these plans, nor in any subsequent document, is Second Ave. even mentioned as any kind of priority or need for sidewalks.** Yet Second Ave. has now, suddenly and without justification, catapulted past many sidewalk priorities that have existed since 2008, yet have remained incomplete. Worth noting is the prominent mention of priority sidewalk needs on west 1st Ave. Maybe that's a better place to use our funds.
3. The third attachment is from Malvern's Comprehensive Plan on the subject of circulation. No where does it suggest that the entire Borough should have sidewalks or edge streets should be widened. Quite the opposite. Keeping the "small town character of our neighborhoods" is the priority.

Malvern Ave  
"proposed" printer

August 19, 2018

To the Malvern Borough Council:

I was astonished when I heard a rumor that Borough Council intended to widen 2<sup>nd</sup> Avenue. (Incidentally, why did I hear it in a rumor, rather than in a public notice from Council to concerned residents?)

Over the years, there have been numerous efforts to reduce traffic, and especially speeding traffic, in Malvern. Many residents complain about the amount of through traffic rushing from one end of Malvern to the other. Residents of Monument Avenue worried about the safety of their children crossing streets with speeding vehicles, and urgently requested that traffic-calming measures be installed. People on Broad Street expressed serious concerns about through traffic on their street, both the speed and the frequency of vehicles, and especially the use of their street as a short cut for trucks and other large vehicles. Signs have been posted, speed humps installed, and handsome plantings that also narrow the roadway have all been tried as methods to slow traffic in various places throughout the Borough.

Now, it seems, Council wants to widen and straighten a road in order to increase the speed and amount of traffic traveling through another pleasant, peaceful section of the Borough.

It is absolutely true that the narrowness of the junction of 2<sup>nd</sup> Avenue and Warren Avenue makes it a very dangerous intersection. Unless they creep out into Warren Avenue, drivers turning from 2<sup>nd</sup> onto Warren cannot easily see vehicles coming up Warren. Drivers turning from Warren onto 2<sup>nd</sup> have a very narrow turning radius, with a telephone pole and a brick wall to avoid, often sending them into the opposing lane. When both are happening at the same time, it is a recipe for trouble. Safety would definitely be improved if the end of 2<sup>nd</sup> Avenue directly adjacent to Warren were widened. (This should have been required of TAG Builders as an integral part of their new development. Why wasn't it?)

Widening <sup>more</sup> ~~the full length~~ of 2<sup>nd</sup> Avenue, however, would be detrimental to the safety and the quality of life of Borough residents. Because 2<sup>nd</sup> Avenue is narrow, cars must slow down as they travel along it. Many people from around the Borough walk along 2<sup>nd</sup> Avenue because they enjoy the shade of the lovely mature trees on both sides of the street, and the peace of the green space. We are most fortunate to have the wooded space of the Retreat on the south side of 2nd, and the gardens and trees of the homes on the north side. It is beneficial to the residents of Malvern to maintain as much green space and as many trees as possible; to wantonly destroy them, creating more paved, impervious surface area strikes me as absurd at best, especially as that paved surface would increase the speed and overcrowding of traffic through the Borough, and perhaps also increase the volume of storm water runoff.

Surely we have other, more urgent projects that could be done with the money this project would cost. We should be planting trees, not cutting them down. We should be increasing open space, not paving over it. We should be reducing and calming traffic, not creating thoroughfares that will increase the amount of traffic and help it speed throughout the Borough.

Very truly yours,  
Isabel Leininger  
211 Channing Avenue

## Christopher Bashore

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**From:** Peter DeLaurier [REDACTED]  
**Sent:** Tuesday, August 21, 2018 7:04 PM  
**To:** Danny Fruchter; Jamie Grossman; David Burton; John Meisel; Amy Finkbiner; Marty Laney; Julie Raynor; Zeyn Uzman; Carroll Sinquett; Christopher Bashore; dan daley; Neil Lovekin; alda cortese; glenn diehl; Tom Teti  
**Subject:** 2nd Ave

Hello all,

First, please let me concur wholeheartedly with everything related to you by my friend and next door Neighbor, Tom Teti in his email of this week.

I've lived on W. Broad St. for almost 27 years. Even so, I feel myself a newcomer compared to a lot of the people I know in Malvern.

There was a time when W. Broad was a quiet, residential street - like 2nd Avenue. That's been irredeemably blown for us. There are still a few of those in the Borough. 2nd Avenue is on my walk or run every day because it is a safe, quiet, peaceful street by the woods. It's a place where parents could still let kids ride bikes. There just aren't that many of them left in our town.

The plan you're proposing will kill that. 2nd Avenue (and, consequently, Church and Ruthland) will be turned in to commuters' speedway shortcuts - just like W. Broad.

I hope you'll reconsider.

yours sincerely,

Peter DeLaurier  
113 W Broad Street

--

Be kind for everyone you meet is carrying a great burden.