

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

July 21, 2015
7:30 P.M.

PRESIDING: Catherine Raymond, Vice-President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Bramwell (Absent)
Council Vice-President Raymond
Council Member Lexer
Council Member Meisel (Absent)
Council Member Oswald
Council Member Radano
Council Member Van Sciver
Mayor Burton

2. PUBLIC FORUM:

Council Vice-President Raymond 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 on any item on the agenda to bring any issues/concerns before Council.

- a. Zeyn Uzman, Charleston Greene, inquired why the 'Yield' signs, south-bound on Warren Avenue at the Amtrak Bridge are no longer posted?

Borough Manager Kelley will contact Amtrak to determine what happened to the 'Yield' signs.

- b. John Buckley, 165 Church Street, inquired why the previous two (2) Planning Commission Meeting cancellations were not posted on the reader board or at the Post Office?

Council Vice-President Raymond stated she does not know and will have staff look into the matter.

Mr. Buckley questioned why the telephone pole wires are not located underground Eastside Flats?

Council Vice-President informed Mr. Buckley that PECO would not allow its utility lines to be buried underground.

Mr. Buckley informed Council that the streetlight at the corner of Church Street and First Avenue is out, as well as, the streetlight at the corner of Woodland Avenue and Roberts Lane.

Borough Manager Kelley stated she will notify the Public Works Department of the two (2) outages.

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Mr. Buckley questioned if Council President Bramwell may be stepping down from Council due to his inconsistency and level of attendance?

Zeyn Uzman, Charlestown Greene, stated per the Home Rule Charter, Council members that miss three (3) consecutive Regular Session meetings or 40% of all meetings in a single calendar year are subject to removal.

Mr. Buckley asked how much money was spent on Broad Street for the speed humps and No Thru Traffic signs? He stated that there are both 15 MPH and 25 MPH speed limit signs on the street. Borough Manager Kelley stated the speed humps cost approximately \$1,000 each to be installed. Two (2) speed humps were installed, factoring in sight-distance, proximity to "Stop" signs and road intersections.

c. Kelly Schmitt, 133 Church Street, mentioned there are a few streetlights that are out near Woodland Avenue and Church Street.

Borough Manager Kelley stated she will notify the Public Works Department of the outages.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Radano, seconded by Council Vice-President and carried by a vote of 5-0, to table the minutes of Tuesday, June 16, 2015 so the Borough Manager may reconcile a discrepancy regarding 217 S. Warren Avenue review letter as prepared by the Borough Engineer. Approval of June 16th minutes will be scheduled for Tuesday, August 17th.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Van Sciver, seconded by Council Member Radano and unanimously carried by a vote of 5-0 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 and Zoning 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 June 2015, as submitted.

5. RESOLUTION NO. 691 – AGENCIES FULFILLING THE PUBLIC SAFETY:

A motion was made by Council Member Van Sciver, seconded by Council Member Lexer and unanimously carried by a vote of 5-0 to approve Resolution No. 691 outlining the methods and agencies chosen to fulfill the public safety needs of the Borough of Malvern for the efficient administration of the emergency communications system of the Chester County Department of Emergency Services.

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6. RESOLUTION NO. 692 – SUPPORT LEGALIZATION OF MEDICINAL CANNABIS IN PENNSYLVANIA:

A motion was made by Council Vice President Raymond and seconded by Council Member Van Sciver to adopt Resolution No. 692, a Resolution in support of the legalization of Medicinal Cannabis in Pennsylvania.

Following discussion, Resolution No. 692 was tabled by Council so the Borough Solicitor and Manager can change the language stating that Council supports it going to the floor of the House for a vote. Council would also like to hear more about the Federal legislation.

Stacey McShane, 139 Church Street, stated from her experience of a family member with Epilepsy, that the debate for supporting medicinal Cannabis is to have it removed from the U.S. Food and Drug Administration's Schedule 1 List.

This item will be tabled until the August 18th meeting.

7. OLD BUSINESS:

a. Sale of 130 Woodland Avenue

Council Member Van Sciver asked Borough Solicitor Christakis if the Borough may set a minimum purchase price for the property. Borough Solicitor Christakis stated that the Borough is permitted to set a minimum purchase price. In addition, the Borough has two (2) means to sell the property, either by public bid or by public auction.

Council Member Oswald expressed concern of the Borough conducting a public auction, which may limit the number of potential buyers by conducting an auction on a specific day. Borough Solicitor Christakis mentioned that if the Borough conducts a public auction, then it could set parameters, such as requiring full payment within 60 days of purchase and could pre-qualify bidders.

Council requested Borough Solicitor Christakis to draft a memo detailing both options of public bid vs. public auction.

Council Member Van Sciver recommended that Council consider selling the Borough-owned property on Ruthland Avenue. Council Member Radano suggested the Malvern Planning Commission identify possible uses of the Ruthland Avenue property and associated negatives and/or positives for the Borough.

b. Official Map and what Council may want to include on the Official Map

Council Member Van Sciver encouraged Council to move forward with the adoption process of the Official Map as he is concerned with the possible future developments that could spring up in the near future.

Borough Manager Kelley advised the next Step in the adoption process is for Council to create a taskforce of 5-7 residents, including membership from Council, the Planning Commission and residents at-large. Council Member Radano volunteered to serve on the taskforce on behalf of Council.

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c. Discuss Parking Management Program

Council Member Lexer thanked Council Member Meisel for his time in making edits to the draft document. Stacey McShane, 139 Church Street, questioned if the program will evaluate how meter parking could affect the surrounding streets. Council Member Lexer stated the program is designed to be borough-wide, instead of focusing on just ‘Hot Spots’.

Kelly Schmitt, 133 Church Street, mentioned that the shopping center with the WaWa store has parking in the rear of the buildings for employees, however, for some reason the parking spaces are under-utilized. Council Member Lexer thanked Ms. Schmitt for her information, however, the Borough has no authority as to how the businesses in the shopping center use the rear-parking lot.

Council Member Van Sciver stated the program does not adequately identify that on-street parking is a known traffic calming device. Furthermore, borough residents are contributing to the overflow parking of the SEPTA parking lot by choosing to drive to the station as opposed to utilizing other modes of transportation. Council Member Lexer stated he will work with the Public Safety Committee in addressing Council Member Van Sciver’s statements.

Council Member Radano suggested the Public Safety Committee should try to provide Council with a finalized Traffic Management Program.

Mayor Burton mentioned that the proposed parking permit fee schedule does not acknowledge that senior citizens are not charged for parking permits.

Jason Hazzard, 119 West Broad Street, stated a majority of the residents on West Broad Street do not want to pay to acquire a parking permit to park in front of their homes.

Council Member Van Sciver supports a nominal fee charged for parking permits.

Council Member Lexer mentioned “No Parking 7a.m. – 6 p.m.” signs were posted for the reason that the Borough realized the restriction was in the Borough’s General Code, therefore it must be enforced.

Council Member Oswald requested that the Borough Engineer’s analysis of available on-street parking stalls be incorporated into the Parking Management Program as an appendix.

8. NEW BUSINESS:

a. Old Lincoln Highway/Rubino Sidewalks

Council Member Lexer requested an update on the status of the sidewalk analysis along the south-side of Old Lincoln Highway. Borough Manager Kelley stated the Borough Engineer is in the process of completing an engineering analysis, which should be available for Council’s review in the near future.

b. East Whiteland Township – Traffic Improvements Update

Council Member Van Sciver provided an update of the potential improvements that could be made at the intersection of Old Lincoln Highway and Lancaster Avenue, located in East Whiteland Township. Accordingly, PennDOT lost a law suit and must make appropriate ADA-accessible changes to all intersections.

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c. Herzak Properties Update

Council Member Radano gave an overview of the current status of identifying potential uses of the two properties; at present the Malvern Planning Commission and Parks & Recreation Committee are conducting their respective reviews.

d. Malin Road Extension Update

Stacey McShane, 139 Church Street, requested an update of the status of the potential Malin Road Extension. Council Member Van Sciver stated that he believes there are properties in the industrial area, which are being strategically purchased for a larger development. In order for the Malin Project to be successful, approximately \$15 million would need to be committed to construct the project. Council Member Van Sciver stated that the Malin Road Extension is going to have to be supported by bigger governments than our Borough if it was to go forward.

9 ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Van Sciver seconded by Council Member Lexer and unanimously carried by a vote of 5-0 to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary