

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

March 7, 2017
7:30 P.M.

PRESIDING: Council President Bramwell

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

2. RECORDING OF MEETING:

Council President Bramwell 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. RESOLUTION NO. 730 – POLICE PENSION PLAN OFFICERS:

A motion was made by Council Member Sinquett, seconded by Council Member Lexer and carried by a vote of 6-0, to adopt Resolution No. 730, authorizing officers of the Borough of Malvern to act on behalf of the Borough of Malvern Police Pension Fund in connection with InR Advisory Services, LLC.

4. RESOLUTION NO. 731 – NON-UNIFORM PENSION PLAN OFFICERS:

A motion was made by Council Member Lexer, seconded by Council Member Sinquett and carried by a vote of 6-0, to adopt Resolution No. 731, authorizing officers of the Borough of Malvern to act on behalf of the Borough of Malvern Non-Uniform Pension Fund in connection with InR Advisory Services, LLC.

5. OLD BUSINESS:

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

Council President Bramwell stated this agenda item is tabled for discussion.

b. North Warren Avenue Transit Project

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Dan Daley, Borough Engineer stated that before Council this evening is a revised sketch plan that he designed to address the items discussed at the February 7, 2017 meeting. The sketch plan outlines the total feet of sidewalk proposed for the east side of North Warren Avenue (approx. 88 ft.) and the proposed crossing locations. While the granting authorities have not given the Borough a deadline, Borough Council should determine if it is proceeding with the installation of sidewalk on the east-side of North Warren Avenue in order to continue the Borough's trajectory of bidding this project out this spring.

Borough Manager Bashore stated he met with the president of the Malvern Hills II Homeowners Association (HOA), Lloyd Brown. Mr. Brown stated that the HOA is not in favor of the sidewalk installation and a letter has been provided to Borough Council stating to that fact. At the February 7, 2017 meeting, Borough Council reviewed a sketch plan prepared by the Borough Engineer, at which time Borough Council requested additional information, including the amount of sidewalk proposed for the east-side of North Warren Avenue and the proposed layout of the crossing locations.

Council Member Meisel expressed his concern of the high speed of vehicles traveling north on Warren Avenue, specifically the 'Cliff Effect' may be causing vehicles to go even faster.

Council President Bramwell asked if a fence could be installed along the proposed sidewalk to act as a barrier between vehicles and pedestrians. Borough Engineer Daley state PennDOT does not allow guardrails to be used as a barrier for pedestrian safety, rather it is for vehicle safety such as at a sharp curve or steep drop-off along a roadway. In addition, Borough Engineer Daley was designing the sidewalk in a way to not move or remove the retaining wall at 1 West Broad Street.

Council Member Grossman stated installing a sidewalk at the corner of 1 West Broad Street and North Warren Avenue will cause more of a safety issue than what presently exists. By adding a sidewalk to the trailhead of Malvern Hills II, pedestrians may be encouraged to cross North Warren Avenue at the trailhead as oppose to the designated crosswalk.

Council Member Lexer asked Borough Engineer Daley if not installing the sidewalk would have an effect of the grant funding received from the State. Borough Engineer Daley stated the funding would be adjusted based on whether or not the sidewalk is installed on the east-side of North Warren Avenue.

Council President Bramwell asked what the deadline is for Borough Council to make a final decision on whether or not to install the sidewalk on the east-side of North Warren Avenue. Borough Engineer Daley stated the sidewalk is the last design element to be determined. Once Borough Council makes a final determination, then he can complete the plans that are the major component of the bid package that is planned to be publically advertised in April 2017. However, before the bid may be advertised, the Pennsylvania Department of Transportation (PennDOT) has to review the plans and provide final approval of the Borough's project, per the grant guidelines. PennDOT will not review incomplete set of plans, therefore, the sidewalk matter must be finalized sooner than later.

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Council Member Lexer asked what the Public Works Committee's position is regarding the proposed sidewalk installation. Council Member Sinquett stated the Public Works Committee is less concerned about the timeline, but more concerned about the safety of pedestrians who may use the sidewalk.

Christine Santa Maria, 1 West Broad Street, summarized her concerns with the potential impact the proposed sidewalk may have along the side of her property, citing the sidewalk may pose more of a safety hazard by giving users a false sense of protection from the fast moving vehicles, especially large trucks accessing the industrial area. Ms. Santa Maria does not believe the Borough should use grant funds and tax dollars to install a sidewalk that connects to a private trail that accesses a development with a cul-de-sac, which is rarely used.

Resident of 1 West Broad Street stated he does not understand why a sidewalk would be installed on the east-side of North Warren Avenue as it will not connect to other sidewalks or developments.

Michael Pinchak, 127 Margaret Lane, stated the trail that leads to Margaret Lane is rarely used by the public and is used by a few resident on Margaret Lane when weather permits. Malvern Hills II is a private community with a cul-de-sac, and does not connect to any other part of the borough. Mr. Pinchak stated he and his fellow homeowners of Malvern Hills II do not want to encourage the public to walk in their development.

Council Member Meisel asked Borough Engineer Daley if the sidewalk is not installed, if the west-side sidewalk along North Warren Avenue could be widened. Borough Engineer Daley stated a two (2) foot-wide grass strip could be added.

Lloyd Brown, 123 Margaret Lane, President of the Malvern Hills II Homeowners' Association, stated the homeowners do not want the sidewalk installed, as the residents of the development have been the only users. The homeowners are concerned that installing a sidewalk will encourage the public to use the steep trail that leads to Margaret Lane. Margaret Lane is a cul-de-sac consisting of twenty-four (24) private residents and does not connect to a public area, such as a park.

Woody Van Sciver, 243 Monument Avenue, stated from his experience on the Borough's Planning Commission and Council that the trail easement of Malvern Hills II could be extinguished if the current Borough Council decides to not install the sidewalk. Residents of Malvern Hills II would have to go through their homeowners' association to determine whether there is buy-in from all homeowners to remove the trail easement, including taking all necessary step that may have financial conditions. Homeowners would have to understand if the trail easement is removed, then they and the public may no longer use it.

Borough Council discussion focused around installation of fencing at the trailhead of Malvern Hills II on North Warren Avenue. Discussion included: 1) Height or fencing based on the Borough's Zoning Ordinance; 2) Type of entry/gate that could be installed; and 3) Signage to designate private property.

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Borough Engineer Daley recommended any questions regarding fencing should be directed to Bill Wilfong, Codes/Zoning Officer for the Borough as the trailhead may be considered to be a front-yard, limiting fence height to three (3) feet.

6. NEW BUSINESS:

a. Zoning Hearing Board

Borough Manager Bashore stated the Monday, March 27, 2017 Hearing has been cancelled due to no new applications. The next scheduled hearing is Monday, April 24, 2017. At the Board's Wednesday, February 22, 2017 Hearing, it appointed Kristen Camp, Esq. of Buckley, Brion, McGuire & Morris LLP as its Zoning Solicitor.

7. PUBLIC FORUM:

Council President Bramwell 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. John Buckley, 165 Church Street, would like TAG Builders, Inc. to install sidewalks along Second Avenue. Borough Engineer Daley stated the approved subdivision included a provision for a fee-in-lieu for Second Avenue and the provision may not be reversed at this time.

John Buckley would like to see Second Avenue become a one-way street, with no access allowed onto South Warren Avenue from Second Avenue. Council Member Lexer stated Police Chief Marcelli is in discussions with PennDOT to have a 'No Left Turn' restriction added for Second Avenue.

John Buckley inquired why he did not receive a hardcopy of the public hearing concerning Council President Bramwell's forfeiture of office, as he had requested. Borough Manager Bashore stated Mr. Buckley's hardcopy was mailed out the next business day in which it was received. It may have gotten lost in the mail, however, if Mr. Buckley goes to Borough Administration during borough office hours, he may receive a copy at no cost.

b. Woody Van Sciver, 243 Monument Avenue, inquired about the status of when the traffic light improvements will be made, as per the multimodal grant award from the State. Borough Manager Bashore stated the improvements are slated to begin in the summer of 2017, pending weather and state approvals.

c. Borough Manager Bashore announced the Malvern Fire Company is conducting a fundraiser for the Wilkins' Family on Thursday, March 16th from 6:00 – 9:00 p.m. at the Great American Pub in Paoli.

d. Council President Bramwell announced that the Philadelphia Magazine noted the Borough of Malvern as 1 of the top 10 areas in the Delaware Valley area to live, which may in part be due to the Borough being recognize as a 'Classic Town'.

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8. ADJOURMENT:

All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Member Meisel and carried by a vote of 6-0 to adjourn the meeting at 8:51 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary