

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

March 19, 2013
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL: Council President Van Sciver
Council Vice President Raymond
Council Member Giandonato
Council Member Macaleer
Council Member McCrory
Council Member Sponenbergh
Council Member Uzman
Mayor McGlone

2. PUBLIC FORUM:

Council President informs all present that copies of the agenda are available at the front desk. This is a Public Session of Council. Should any citizen/taxpayer wish to offer comments on any item on the agenda, now is the time to bring those comments before Council. Are there any citizens/taxpayers who wish to bring before Council any item not on the agenda?

- a. John Buckley, 165 Church Street, reported that outside in the lobby of the Library floor, people are posting ads on the walls and it looks bad.

- b. Patti Rossiter, 241 Miner Street, stated that at the last meeting when the Channing Avenue streetscape project was being discussed, a gentleman across the street from Burke Park spoke against adding additional on-street parking spaces and taking green space away from the Park. Ms. Rossiter stated that she, too, does not think that we should take the green space away from Burke Park. Council Member Uzman responded that Borough Council decided to remove the parking on Channing Avenue from the streetscape plan.

- c. Sidne Baglini, 203 Channing Avenue, asked what the time frame is for the decision making of the streetscape plan for Channing Avenue. She asked how it would move forward, would there be a formal approval process and when would they expect to hear about it.

Council President Van Sciver responded that the Plan, as discussed, would be submitted to the County as a part of a grant application. If the grant application is approved by the County, we will proceed. However, the additional parking on Channing Avenue has been eliminated from the project. If the grant application is denied, we will not proceed with the streetscape plan.

Ms. Baglini stated that one of the items discussed was tree removals and replacement and expressed concern over when the trees would be planted as there are certain times of the year

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when they should not be planted. She was assured that new trees would be planted at the appropriate time of year.

d. Zeyn Uzman, 3 Pennsylvania Avenue, stated that he was stepping off Borough Council and talking as a private citizen and business owner in the Borough. He stated that he is a partner in the business, Momentum Dynamics, at 3 Pennsylvania Avenue. They are developing the technology to wirelessly charge electric vehicles. He stated that they have done extensive testing in their facility but that they would like to do a real-world test. They would like to put a pad in the pavement in front of their driveway at their business on Pennsylvania Avenue to test the strength of their product. The intent is to put it in the wheel line and have trucks drive over it all day. The pavement is already starting to come apart in that area and once their study is completed, they would patch the roadway with asphalt. Mr. Uzman stated that they will not be installing the full electronics, but will be testing the pad only. They are conducting the test for durability of the pad only.

Council stated that if the Supt. of Public Works was okay with it being imbedded in the roadway, they would agree to it. It was also suggested that some kind of financial guarantee be posted for repaving of the roadway once the pad is removed.

Mrs. Whelan of Woodland Avenue stated that she thinks it is kind of nice because it is a green concept and if the technology works and they expand their business they might hire more people from the neighborhood.

3. APPROVAL OF MINUTES:

A motion was made by Council Vice President Raymond, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to approve the minutes of the Regular Meeting held on Tuesday, February 5 and Tuesday, February 19, 2013, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Uzman and seconded by Council Member McCrory to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement Officer's Reports (Building Inspector's Report, Housing and Property Maintenance Report and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of February 2013, as submitted.

Council Member McCrory questioned the expenses as he felt they were higher than last year's expenses at this time. Both Council Member Macaleer and Council Member Sponenbergh responded that it was just a timing thing of when expenses were being paid.

The motion carried unanimously by a vote of 7-0.

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5. LANDSCAPE BUFFER PLAN – ARAS, 190 PENNSYLVANIA AVENUE:

A motion was made by Council Member Uzman, seconded by Council Member McCrory and unanimously carried by a vote of 7-0 to approve the landscape buffer plan of Jayne & Angelo Aras, received February 15, 2013, for 190 Pennsylvania Avenue, as recommended by the Planning Commission.

6. OTHER BUSINESS:

a. Council President Van Sciver asked the other Council Members if they had any comments on the Borough Engineer's e-mail regarding the Options for sidewalks along So. Warren Avenue from the edge of the TAG project, along the Borough's property line, to First Avenue. He explained that the discussion was to determine what we might want to do in the future with elevation of the borough building to coordinate with the proposed development at Second Ave. and So. Warren Ave.

Council Member Uzman responded that off the borough's parking lot there is a fence and Council is looking at two options in continuing the sidewalk down Warren Avenue. Option 1 would place the sidewalk adjacent to Warren Avenue roadway (along the edge of road with new curb); and, Option 2 would place the sidewalk adjacent to the Borough parking lot adjacent to the fence. The Borough Engineer recommends having the sidewalk extend up the hill closer to the building. By placing the sidewalk at the top of the hill, you can make an easy transition to the sidewalk along First Avenue. It will affect the grades and the sidewalk now and the slopes would still not be ADA compliant but would be better than it is now. The Borough wanted to look at tying it into TAG's sidewalk and getting the sidewalk away from the roadway.

b. Council President Van Sciver reported that Council is receiving correspondence from the Channing Avenue unified group. He reported that he has read some of the information but not all of it. Mr. Fruchter's comments appear to state his interpretation of the submission is the only reasonable interpretation and I believe there are others. Council President Van Sciver believes that you can have a reasonable interpretation. He stated that the applicant will go before the Planning Commission at the Planning Commission's April 4th meeting.

Council Member Macaleer stated that he has read through all the information which is the same stuff that was previously presented. Prior to receiving something from the Planning Commission there isn't much that Council can do at this time.

Council President Van Sciver stated that there is an alternate solicitor representing the Borough in this matter because of a conflict of interest with the developer and the Borough Solicitor.

Council Vice President Raymond stated that she sees no reason to opine since the developer will be submitting a new Plan.

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c. Kristin Thomas, Broad Street, had sent a request that Council consider having murals painted on the bridge and would like Council's thoughts on the idea.

Council Member Giandonato responded that he personally likes the idea.

Council Member McCrory believes the bridge has terrible site lines and the last thing you want to do is take away the drivers attention. He believes it would be an accident waiting to happen.

Council Vice President Raymond stated that she can see that as a concern; however, the bridge in Paoli has the same issues and they have a mural on that bridge.

Council Member McCrory stated there are other people who don't want the whole town painted. Maybe we should get a little sampling before we go too gung-ho.

Council Member Uzman stated that he thinks that most of the time he's stuck in traffic on the bridge and he doesn't see a big concern with the safety issue. He's thinking that most of the people who will be looking at it will be stopped. He thinks it will be nice to pretty-up the bridge. He does agree that too many murals may not be a good idea but maybe next year we can look at the bridge after we see the first two murals.

Council Member McCrory stated that he thinks it is different for a private property owner with a mural on the building rather than having it painted on a public bridge. The Borough would be the maintenance provider on the public bridge.

Mayor McGlone questioned whether there would be any upkeep to the bridge.

Mrs. Whelan, 234 Woodland Avenue, asked if an extra coat of anti-vandalism paint could be applied after the mural has been painted so that if there is any graffiti, it can be washed off.

Council Member Giandonato responded that for 8-9 feet you put the anti-graffiti vandalism paint on the mural. The coating will help protect the mural. He stated that murals are everywhere in the Cities. He feels that you are often sitting on the bridge waiting for the traffic to move and he thinks a mural would look nice. He doesn't think it would be too much.

Following discussion, Council determined that they would encourage Kristin to go forward and get some concepts to present to Council for murals on the bridge.

d. Church Street Traffic Calming Petition – Council Member Sponenbergh reported that residents on Church Street had submitted a Petition for Traffic Calming. Based on the findings, the Chief recommended that we not put speed humps on the street right now. Council Member Sponenbergh stated that he would like to let the folks on Church Street know that we are not going to do this at this time.

Council Member Uzman asked what happened on Crest and Griffith and what is the difference between those two streets and Church Street.

Council Member Sponenbergh responded that at that time we had no mechanism to instigate a request before the petition when Crest Avenue came up. We decided we needed a more methodical way to go about this and look at it. We implemented the Petition and at Griffith we had 80% asking for it and we did it. He stated that he would like to think from a Committee perspective, we got smarter every time we did this. We need to consider the recommendations from the Public Safety Committee and the Chief and do a little more thinking about it. One

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downside is emergency vehicles and another is snow plows and do we really want to say just because the folks ask for it, is it really the best thing for us to do? I think we are at a better place to give consideration to all the factors, but we never want to close it down and say this will never happen, but based on the Chief's recommendation, the right time is not now. There is not enough traffic and very little speed.

Council Vice President Raymond stated that there was more of a mix of speeds on Crest Avenue. This study indicated that over 85% of the motorists were traveling 25 MPH or less.

Chief Marcelli stated that there is a liability with anything placed in the roadway. There should be a study completed before anything is placed in the roadway. A study was done for Church Street and the study didn't support the request. The devices that are used, the sign doesn't always display the speed and it doesn't catch the motorists attention so they will drive normally. It is still, however, registering speeds. There is criteria for anything that we want to do. You can adopt ordinances but there is liability to everything. DO NOT ENTER signs are enforceable but they apply to everyone, including residents who live on the street.

A motion was made by Council Member Sponenbergh, seconded by Council Member Macaleer and carried to state that regarding the Petition from the residents of Church Street, that we will follow the recommendations of our Police Department and not install traffic calming on Church Street at this time but keep open the option to revisit this in another year. The motion carried by a vote of 6-1 with Council Member Uzman voting No.

e. Bike Race – Chief Marcelli reported that a small Committee met today to discuss the bike race that will be held on July 8th. Everyone was assigned specific duties to insure the safety of the bikers, the residents and the visitors. It was made very clear that there would be costs associated with the event and the Chief would be submitting an invoice to the Malvern Business & Professional Association to cover those costs. It was also made very clear that if the race did not go smoothly and everyone didn't meet their obligations, there may not be an opportunity next year to hold the race in the Borough of Malvern.

Chief Marcelli was asked to provide a follow-up report to Council following the conclusion of the race.

7. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to adjourn the meeting at 8:51 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager