

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

March 5, 2013  
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

PLEDGE OF ALLEGIANCE TO THE FLAG

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

COUNCIL PRESIDENT VAN SCIVER ANNOUNCED THAT BOROUGH COUNCIL MET IN EXECUTIVE SESSION PRIOR TO THE MEETING TO DISCUSS A PERSONNEL MATTER

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. Kristin Thomas – Mural Project Update – Kristin reported that within the first month, all the money for the Malvern Pizza mural had been raised. There was talk about a second mural for the back of Gallaghers that could be seen from the train. She reported that she is already at \$8,300 with a goal of \$10,000. She hopes to have all the money raised by the end of March. She is currently running a survey to choose a design for the Malvern Pizza mural. It is a historic design and the two choices are a montage or a streetscape design. Four hundred fifty-five people have voted and the streetscape scene is winning by a landslide. A meeting has been scheduled with the artist next week to meet at Malvern Pizza to make a few changes to the design.

Thunder Wash of Elverson is donating pressure washing of the sides of the buildings for both locations and Ms. Thomas is still looking for a donation for a scissor lift. She hopes to have the Malvern Pizza mural completed by the day of the Memorial Parade. A bigger, bolder design will be required for the back of Gallaghers so that it will be easily seen by people riding the train. She has discussed a more patriotic theme with the artist for this location.

Ms. Thomas asked Council to consider additional locations for murals and presented a list of possibilities.

Council thanked Ms. Thomas for doing such a great job.

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Council President Van Sciver stated that the Borough's Zoning Ordinance would require a variance for a mural this size. Council would like to avoid having the artists go through this process, pay a fee, etc., for something that Council encourages and supports, so we are proposing to amend the ordinance to streamline the process and make sure the community artistic value of the art is not viewed as a sign to be regulated.

Council Vice President Raymond read the proposed Ordinance and Council agreed to advertise for adoption in April.

b. Sidne Baglini, 203 Channing Avenue, reported that the local R-4 District has concerns about the Second Avenue traffic with the proposed new development. The residents asked for a traffic study at the last Planning Commission meeting. They asked the developer to have a study completed and asked him to have an independent engineer conduct the study. Ms. Baglini stated that she doesn't want the study conducted by someone the developer hires. The residents were very excited to see a traffic monitor on Second Avenue this week. It is very close to the Woodland and Second Avenue intersections. Speeds are being recorded. This speed study is independent of anything else because our Chief has looked into it. Her concern is that it will artificially slow traffic on that road and if we have a traffic engineer come out in the next couple of weeks, we won't get good data. The bad news is that it will affect the data that will be collected if the study is completed any time soon.

Council President Van Sciver stated that the discussion about the development is not an Agenda item tonight. He also stated that if there is a public safety issue, that issue is independent of the Subdivision and Land Development application. A traffic study, such as that being requested, shows only the impact of the proposed development. If the residents have a concern about speeding traffic, that information is usually reviewed by the Public Safety Committee and you can speak to Council Member Sponenbergh, Chair of that Committee, about your concerns.

c. Frank Ortner, 144 Griffith Avenue, reported that the Memorial Parade will be held on Sunday, June 2<sup>nd</sup>. The bike race will be held on Monday, July 8<sup>th</sup>, the night preceding the Malvern Fire Company Fair. Much more information will be forthcoming but the race will be similar to last year's race with possibly a longer route.

d. Kristin Thomas, 326 E. Broad Street, wondered if her street can borrow the traffic monitor as they have a lot of issues with corporate and Villa Maria traffic that is horrible. A car recently passed a school bus when children were boarding. Villa Maria has made announcements about the speeding, but it is not getting any better. The residents believe it will get worse.

Kitty Nelson, E. Broad Street, stated that she lives there and has a business there and something has to be done. This is the second time this year when someone has passed the school bus when children were boarding. Ms. Nelson asked if Do Not Enter signs with hours designated could be placed or speed bumps added.

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Council President Van Sciver responded that Council Member Sponenbergh could discuss this issue with the Public Safety Committee.

Chief Ercole stated that the signs are not legal or enforceable. The District Justice will not uphold anything that is written on them.

It was asked if the school buses had videos installed in them.

Ms. Nelson responded that you won't see much from those videos as they are sometimes grainy and they don't get license plates.

The traffic is not all from Villa Maria. They are going to the Corporate Center or to Paoli Hospital.

Council Member Uzman suggested that the residents go to the borough website and look at the Traffic Calming Petition and consider speed humps. They do slow down traffic.

Frank Ortner stated that a speed hump was recently placed on Griffith Avenue and that has been very successful. It might make a difference on E. Broad Street from Bridge Street.

### 3. PUBLIC HEARING – STREETSCAPE REVITALIZATION PROJECT:

Council President Van Sciver announced that Borough Council will now open the public hearing to consider a streetscape revitalization project for Channing Avenue from King Street to Roberts Lane and from First Avenue to Second Avenue and South Warren Avenue from Roberts Lane to First Avenue, to include curbs and sidewalks, stamped concrete pavers, street trees, street lights, additional parking on Channing Avenue and roadway mill and overlay.

The Public Hearing was advertised in the Daily Local News on March 3 and 4, 2013, and notices were mailed to the residents of the streets impacted by the streetscape project.

Dan Daley, Borough Engineer, Edward B. Walsh & Associates, Inc., presented an overview of the streetscape project beginning with Channing Avenue from King Street to Roberts Lane.

Isabelle Leininger, 211 Channing Avenue, questioned the diagonal parking spots on Channing Avenue and asked if the roadway would be widened in that section.

Mr. Daley responded that the roadway would not be widened as the parking spaces would be going into the lawn area of Burke Park. We wanted to avoid the turning motion heading north on Channing Ave. and thought it would be best suited heading south. The people who live on the other side of the street would still be able to park in front of their homes. Those parking spaces would not change.

Al DiMattia, 27 Channing Avenue, asked who would benefit from the parking. He asked if Council knew who parked on Channing Avenue? He stated that the commuters park on this street. Sometimes they park there for a week at a time. He stated that Council is considering taking away some of the most used park in the Borough and it won't benefit any resident. He stated that he has a problem with that. He stated that Council is taking away green open space that will not benefit any resident of Channing Avenue. Now Council is going to have people backing up into traffic. If motorists don't want to stop for the traffic light, they drive over Roberts Lane and fly down Channing Avenue. He stated that Council is considering taking away

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green space and adding unnecessary parking. He stated that he thought Borough Council was supposed to do things to benefit residents, not visitors. We have 200+ people moving in that will benefit from the use of that park. Every day you have several hundred kids from St. Pat's School playing in the park. He also questioned if we were doing real brick instead of stamped concrete as stamped concrete cracks.

Nancy DiMattia, 27 Channing Avenue, asked if anyone has seen how the stamped concrete product wore at the Paoli Shopping Center down by the Acme.

Mr. Daley responded that he believes they used stamped asphalt in Paoli and replaced it with another product as it did not wear well.

Council President Van Sciver asked Mr. DiMattia if the issue he was raising was about the additional parking and loss of green space in the park rather than about the streetscape project as was completed on Church Street and Powelton Avenue?

Mr. DiMattia stated that the parking and taking away of green space was a concern but that he supported the streetscape project itself with the pavers, sidewalks, curb, streetlights, etc.

Mr. Ortner stated that he goes by Channing Avenue all the time. When the engineer first mentioned diagonal parking, Mr. Ortner thought that there was a lot of traffic on Channing looking to avoid the signal and felt the diagonal parking may not be a good solution. He believes the parking will be an issue. He agrees with Mr. DiMattia about taking away the green space. For the Farmers Market that is coming on Saturday morning, there will be parking available in the Municipal lot and in the St. Patrick's lot. There is no need for additional parking for anything taking place on a Saturday.

Council Member Macaleer stated that we are rich with open space. He personally doesn't see that it will impact us. He was under the impression that there would be limited parking.

Mr. Leininger stated that one of the things that makes Malvern what it is, is the amount of green space.

Mr. Daley stated that 2,000 square feet will be impacted by the additional parking spaces. We also hope to eliminate one of the utility poles.

Mr. Ortner stated that what was done on Powelton Avenue was a fantastic job. Something along those lines on Channing Avenue would be great as well without the additional parking spaces.

Mr. Daley presented the proposed plan for South Warren Avenue.

Nancy DiMattia asked what the plans are for the old brick pavers being removed from South Warren Avenue as she believes they are really quite valuable. Mr. Daley responded that the Borough will store the old brick pavers for future replacements.

Kristin Thomas asked what happens when the mature trees have caused the sidewalk to pull up.

Mr. Daley responded that he does not believe there are any such trees along this stretch.

Mr. Buckley stated that if we do away with the parking on Channing Avenue, we could connect the sidewalks on First Avenue. He feels that would be more reasonable.

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Mr. DiMattia asked if there would be street lights installed, as well. Mr. Daley responded that there would be street lights.

Mr. Daley presented the proposed plan for Channing Avenue from First Avenue to Second Avenue. It would include the same project scope with the curbs, sidewalks, stamped concrete, street trees, street lights, etc. Mr. Daley reported that there are some tree concerns on Channing Avenue as the tree roots are pushing up the sidewalks and a tree at Channing Avenue and Second Avenue is located at the intersection where the sidewalk is proposed to be constructed.

Patricia Marcozzi, 221 Channing Avenue, asked who would be responsible for paying for removal of the trees. It was responded that the tree removals would be part of the streetscape project and the costs would be included in the project.

Mrs. Baglini, 203 Channing Avenue, asked what was the possibility of bumping the sidewalk up and around the tree in the sidewalk. Mr. Daley responded that we would have to raise the curb in that area and bring the sidewalk up later. It would be a shame to install a new sidewalk and have the tree roots push up the new sidewalk or have the tree removed shortly after the project is complete because it was found to be decaying.

Mrs. Baglini stated that she is not convinced the compressed concrete for new sidewalks will help the character.

Council President Van Sciver stated that the curbs we utilize are 8" curbs and prevent vehicles from getting into the pedestrian walkway area.

Mrs. DiMattia stated that, as a dog walker who gets around those trees, do we have any plans to put sidewalks along that section that is being developed along Warren? Council President Van Sciver responded that our Subdivision Ordinance requires sidewalks.

Alda Cortese, 234 Channing Avenue, stated that she walks every morning. She feels she is safer walking in the street than on the pavers that are like glass if there is a little skim of ice on them.

Mr. Daley responded that this was discussed with the Public Works Committee when we walked the project area, and we discussed incorporating into the final topping some slip resistance material.

Council President Van Sciver stated that there are two large path plans that are evolving that will connect from Willistown Township through Randolph Woods to Second Avenue to come across Channing Avenue to South Warren Avenue and then down to the Paoli Battlefield. The Patriot's Path Trail Network comes up from the Chester County Trail to Old Lancaster Road, then up Bridge Street, down King Street and up South Warren Avenue to either Randolph Woods or the Paoli Battlefield. We are a linkage for these trail plans.

Mrs. Leininger stated that she feels it is a good thing to save big trees if at all possible.

Nancy Schill, 235 Channing Avenue, stated that it is her property that has the big Norway Maple tree at the intersection of Channing Avenue and Second Avenue. She asked that if the grant is successful, about when would the project begin? She stated that her tree is mature, has a few dead branches, had never been trimmed prior to her owning the property, but she feels it is relatively healthy.

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Mrs. Baglini stated the previous owner of her property was very conscientious of maintaining the trees around her home. The tree that is uprooting the sidewalk is in excess of 100 years. As a new owner, she wants to get a fix on that tree as she doesn't know if it has lived a good life or has issues. She has a tree person coming to make the determination.

Mrs. Schill stated that she has mixed feelings about her big tree and has not reached a decision about what she would prefer. Mr. Daley responded that as part of the project, and what has been done on other projects, is to incorporate into the project some removals and replanting of trees. We typically work with the property owner to determine the kind of tree they would like to have planted.

Mrs. Marozzi asked if the utility poles would be removed and Mr. Daley responded that they will not be removed.

Barbara Beaver, 233 Channing Avenue, asked if smaller trees were being added along the project. Mr. Daley responded that the Borough has evaluated what is existing and we can incorporate trees where there are no trees if it is suited to the area and does not impact site distance, etc.

Mr. DiMattia asked if the Borough would be hanging lights on the existing light poles or will they be separate posts. Mr. Daley responded that the same, smaller Victorian-style street lights would be installed for this project as was installed for the other streetscape projects.

All comments having been received, the public hearing was closed.

#### 4. OTHER BUSINESS:

a. Chief of Police – Council President Van Sciver reported that Chief Ercole will be leaving us and returning to East Whiteland Township. Council has elected to utilize another supervisory position officer from East Whiteland going forward.

A motion was made by Council Member Sponenbergh and seconded by Council Vice President Raymond to appoint Louis M. Marcelli as acting Chief of Police, effective within the next couple of weeks.

Mr. DiMattia, 27 Channing Avenue, asked if this was a temporary position, as well. Council President Van Sciver responded that Council still has to discuss that.

Frank Ortner, 144 Griffith Avenue, asked if Mark would be leaving before June?

Council President Van Sciver responded that is the intention. The intent is to renew the current contract with East Whiteland Township on a similar basis as the existing contract.

Mr. DiMattia asked if the Chief position is a working Chief.

Chief Ercole responded that the Chief can pitch in and help when needed, but he is not scheduled for a shift. He is more supervisory.

Mr. DiMattia asked why Council chooses to borrow a Chief from East Whiteland rather than just hire one like we did the last couple of times.

Council President Van Sciver responded that one of the issues that we perceived with the force was poor relations with neighboring police forces and this path has solved that problem.

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Chief Ercole explained that the Department had a call today that needed additional help and we had all of the Willistown officers show up, including two Detectives, an officer from Easttown, an officer from Tredyffrin and three officers from East Whiteland. He stated that our relations have improved considerably.

Mr. DiMattia stated that he believes there has been great improvement over the last year since Chief Ercole has been here. He stated the scuttlebutt is that this is just a way to streamline to get rid of our police department.

Chief Ercole responded that Mr. DiMattia is correct in that there has been scuttlebutt but that is not the intent.

Council President Van Sciver stated that there was an issue raised earlier regarding a citizen referendum and that idea was entertained, and he, personally, would prefer to have the future of the department answered by a citizen referendum to be dealt with in a meaningful way.

Mr. DiMattia stated that we are a growing town. To see Willistown police cars in the shopping center at the Wawa again, is a great thing. He believes that it is critical that we have good relations with our surrounding departments and hopefully that will continue to grow.

The motion carried unanimously by a vote of 6-0.

b. Kristin Thomas stated that David Dellaporta came out and met with she and her neighbors and talked about vegetative screening. She stated that they have long, narrow yards and she is not sure where those trees will be planted. She stated that as they progress with plans with Mr. Dellaporta, they may need Council's help and just wanted Council to be aware of it.

5. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Uzman, seconded by Council Vice President Raymond and unanimously carried to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager