

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

May 7, 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 - ABSENT
 - Council Member Macaleer
 - Council Member McCrory - ABSENT
 - Council Member Sponenbergh
 - Council Member Uzman
 - Mayor McGlone

2. PUBLIC FORUM:

Council President informed 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, commented on the following:
 - i. Installation of sidewalks along Warren Avenue
 - ii. Dog waste in his yard
 - iii. Questioned how long the red signs are permitted to be displayed
 - iv. The temporary No Parking sign in front of the old fire house on Church Street
- b. Patti Rossiter, 241 Miner Street, introduced Robert Coughlin who is running for Borough Council
- c. Danny Fruchter, Channing Avenue, asked now that the Planning Commission has rejected TAG's Plan, what is Council's next move?

Council President Van Sciver responded that no formal correspondence has been received from the Planning Commission and the applicant is not in attendance this evening. We are not discussing that Plan this evening. Council President Van Sciver stated that this Plan will not get a deemed approval and Council will act upon it.

- d. Zach McDonald, Griffith Avenue, distributed a flyer to Council titled "Why are Skateparks beneficial to Communities". Zach reported that he is an 8th grader at St. Patrick's School and a BMX rider. He stated that he thought a skatepark would be a great way to get kids out of the house and bring more people into the Borough. There are social, economic and health benefits associated with a skatepark.

Council Member Macaleer asked Zach if he was familiar with how other communities handle the liability issue? Zach responded that most other communities are including the skatepark in their liability umbrella coverage.

Council Vice President Raymond asked if Zach knew how long the West Chester and Havertown parks have been in operation. Zach responded that West Chester has been operational for 3-4 years, Havertown for 4-5 years and Radnor 5 years.

Council Member Macaleer asked where Zach would propose this park be located.

Zach suggested that the pavement along the smaller basketball court in Quann Park could be extended or Council might have some ideas where one could be located.

Mayor McGlone asked about the hours of operation.

Zach responded that they close from dusk to dawn.

Council Member Sponenbergh suggested that we look at our umbrella liability coverage and inquire as to the cost increase for a rider to the policy to include a skatepark.

Chief Marcelli reported that the roller rink in Downingtown has issues as that definitely became an area for kids to hangout. Downingtown has a skatepark in a corporate area in Kerr Park that is not near a residential area.

Mr. McDonald stated that if you put a skatepark in a location where there is no visibility, there could be trouble. If you put it out where people can see it, there are less problems.

Council Member Uzman stated that he would be in favor of a park being open from dawn to dusk but feels the Quann Park location is too close to residences for noise.

Council President Van Sciver asked if these are permanent structures or can they be demountable? He also asked if there was a season for these parks?

Zach responded that it would depend on what kit you purchased and what surface you have. He does not think you would have wood out all year long. The park would be used more in warmer weather.

Council President Van Sciver asked if the smaller basketball court was used, is it something that could be there half the time, then removed half the time.

Zach stated that if you have it down sometimes, people would not know where it is so if they came and didn't see it, they would assume it was removed and would not come back. You should have it up all the time.

Council Vice President Raymond asked if there was a website to view and Zach responded that you could look at skatewave as they sell kits and have modular equipment.

Mrs. Whalen, Woodland Avenue, reported that she is aware that at the shopping center they have had a lot of problems grinding down the steps and railings. The police have monitored that area. She feels it would be really nice if Council could get the kids to go to a section and do a healthy event and it would be covered under the umbrella coverage. She feels it would be a good thing.

Mr. McDonald stated that he agrees. There are a lot of good kids but you generally only hear stories of the bad kids.

Council President Van Sciver thanked Zach for taking the time to address Council and Council will consider his request.

Zach stated that the Tony Hawk Foundation gives newer skateparks donations. They give grants that could be up to \$30,000.

3. RESIGNATION – COUNCIL MEMBER DUANE MC CRORY:

Council President Van Sciver announced that a letter of resignation had been received from Council Member Duane McCrory stating that he had to resign his position on Borough Council.

Council President Van Sciver stated that Duane was a good member of Council and he will be missed. He stated that he is dismayed that his employer took a position to prevent him from serving in local government and that he would like to contact that employer. Council President Van Sciver feels it is unfortunate.

Our Home Rule Charter states that we will have to advertise the vacancy and Borough Council will appoint a member. There is a maximum of sixty days for Council to appoint before the vacancy goes to the Court of Common Pleas and they appoint a member to Borough Council.

4. RESOLUTION NO. 663 - ADOPT THE MALVERN-WILLISTOWN GREENWAY MASTER PLAN:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 5-0 to approve Resolution No. 663, a Resolution to adopt the Malvern-Willistown Greenway Master Plan to connect public open spaces in Malvern Borough to public open spaces in Willistown Township. The Plan was recommended for approval by the Malvern Borough Planning Commission.

5. ESCROW RELEASE – 101 CHURCH STREET – ANDREWS MANAGEMENT CORP.:

A motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 5-0 to authorize the request for Final Escrow Release #3 to Andrews Management Corporation, 101 Church Street, in the amount of \$4,415.86 of which \$2,760 must be paid to the Borough of Malvern for shade tree fee-in-lieu monies, as recommended by the Borough Engineer.

6. OTHER BUSINESS:

a. Public Safety Committee Recommendations – The Committee had presented a recommendation at the last meeting to increase parking violation fees from \$15 to \$25. Council had some questions about possibly increasing that fee higher than the \$25. The Chief did some

additional research and talked with his sources in terms of enforcement. He found that the parking violation fee could be increased to \$50 but if you don't stop at a traffic light, that fine is \$25, plus court costs. The Chief did not feel it was prudent to go above \$25.

Council President Van Sciver reported that at a seminar he recently attended, their business is to design parking structures through public-private partnerships. They felt that people need to pay for parking and people should be charged a fee comparable to what the cost would be to construct the parking structure. Septa's rates are very inexpensive and do not cover their costs for providing parking. Management of parking might become burdensome so we might want to increase those recommended fees at a later time.

Council Member Sponenbergh stated that the fine has been \$10 for a long time and it is administratively burdensome now for the Police Secretary.

This Ordinance will be advertised for adoption on May 21, 2013.

b. Proposed Ordinance – Peddling and Solicitation – Following discussion, an item requiring a criminal background check being provided by the applicant is to be included in the Ordinance and in addition to Political campaign workers being exempted, political campaign candidates should also be included in the exemptions. The fees recommended by the Chief included a \$20 application fee with a \$150 per year licensing fee or a \$75 fee for 6 months. In addition, where an applicant proposes to use a motor vehicle of any kind to be a traveling store, store on wheels, or peddling food ordinarily consumed at time of purchase (to include lunch trucks, ice cream vendors, etc.) the fee would be \$200 per vehicle per year or \$100 per day.

This ordinance will be advertised for adoption on May 21, 2013.

c.. Ordinance – Housing Licenses – This amendment to the Rental Property Ordinance spells out the terms for licensing rental properties and what is required from the rental property owner.

Council President Van Sciver stated that he had a question for the Codes Officer that refers to the International Maintenance Code. Council President Van Sciver stated that he does not know if that Code requires you to have a certain level of smoke detectors in the unit. He feels that a rental property owner should have the most up to date system that is required. If there is a certain level, like a multi-family unit, there might be a requirement for a monitored system. Council President Van Sciver would like the Codes Officer's opinion on that.

Council Member Uzman stated that he's thinking about the burden this would put on a rental property owner to update from a battery system to a wired system that could be very prohibitive cost-wise for a person who had one for thirty years and now we tell him he has to update his system. He believes it is too much to put on the property owner.

Council Vice President Raymond stated that one of the questions she had was how broadly does this sweep.

Perhaps the mandate to upgrade could occur over a number of years.

Council Member Sponenbergh stated that retrofitting an existing building, he thinks the differential between the life-saving quality of a wired system vs. a functioning battery operated system is not that different at a much lesser cost.

Carroll Siquett, 223 Green Street, stated that Council could require that new rental units or major improvements made to rental properties be mandated to upgrade.

This Ordinance will be advertised for adoption on May 21, 2013.

d. Ordinance Amending Vehicles and Traffic to Establish Stop Intersections – an addition was made to this proposed ordinance to include No Parking on the east side of Church Street between King Street and Green Street.

This Ordinance will be advertised for adoption on May 21, 2013.

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 5-0 to adjourn the meeting at 8:43 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager