

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

June 5, 2012  
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
  - Council Member Sponenbergh - ABSENT
  - Council Member Uzman
  - Mayor McGlone

2. RESOLUTION NO. 655 - PRELIMINARY PLAN APPROVAL – TAG BUILDERS – 144 CHURCH ST.:

Tom Galbally, owner of the property at 144 Church Street, presented his Plan to Council. Mr. Galbally reported that he had received preliminary plan approval from the Planning Commission for four twins on Church Street. He reported that the eventual development plan will include two new buildings with four units. The Borough Engineer reviewed the Plan and came up with some issues that will be addressed. The Planning Commission recommended approval to Borough Council conditioned upon Dan Daley's letter. All vehicle access will be from Everett's Alley. Each of the units will have two off-street parking spaces off the alley.

Chris Mongeau, Chair of the Planning Commission, stated that when the Planning Commission was reviewing the plan and going through Dan Daley's letter, there were very few issues related to this Plan. They requested a waiver from the four-step process that the Planning Commission grants quite regularly if there are no known issues; a waiver from reduction in the right-of-way from 50 feet to 45 feet and based upon our opinion and the improvements that were made, we believe the waiver is warranted as we don't feel that Church Street will ever be widened to 50 feet. The only other major issue was the alley. The Planning Commission asked TAG to discuss with the Council what could be done with the alley.

Mr. Galbally stated that he had talked to Dan Daley this week. They will create two parking spots per unit. The alley is gravel and ranges from 8-9 feet wide. The parking spots will be gravel. There is a grass area of 4-5 feet between the alley and right-of-way line and they will stone the whole right-of-way from their center line.

Mr. Mongeau asked Borough Council if the Borough had any plan for the alley. He asked if what TAG is proposing to do is acceptable. He stated that the Planning Commission is looking for guidance and creativity from the Borough. He asked if there is any idea of what the whole alley will look like.

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Council Member Uzman asked who maintained the alley. It was responded that the Borough plows the alley and performs minor maintenance to potholes.

Council Member McCrory asked if the Borough should be concerned about heavy-duty trucks going down that alley and ripping it up. Mr. Galbally responded that he will be bringing concrete trucks in that way. He stated that Dan Daley will take pictures of the alley prior to construction and TAG will be responsible for restoring the alley to its original condition.

Council Member Uzman stated that he would not have a problem if they are going to restore the alley after construction.

Council President Van Sciver asked if the other abutting properties have 50 foot right-of-ways. Mr. Mongeau responded that the whole 50 foot is not uniform down the street but the Planning Commission did not do an official survey.

Council President Van Sciver stated that the waiver allows for the additional lot. Mr. Mongeau responded that the Planning Commission did not feel it was egregious as the plan goes with the density of the zone and will fit in with the neighborhood. Many residents attended the Planning Commission meeting regarding this application, but most of the residents were from Woodland Avenue and they were concerned with traffic and a stormwater issue that is unrelated to this project.

Mr. Galbally stated that they will demolish the garage and roof from the porch on the existing house in order to meet requirements. The homes will be two-story with vinyl siding and will sell at \$399,000. They will have cedar restoration on the front peak and will be similar to the twins on the street.

Joyce Pettit, Church Street, stated that she is excited about the new homes because she knows that TAG does a wonderful job. She expressed concern over the existing twin and asked if he could do something to that to make it look better as this home would be considered one of their comps when someone is putting their home up for sale. Mr. Galbally responded that he will have to do some work inside and will do some work outside. Painting is an easy deal.

A motion was made by Council Member Uzman and seconded by Council Member McCrory to adopt Resolution No. 655, a Resolution approving, subject to conditions, the plan entitled "Subdivision Plan for 144 Church Street, TAG Builders, Inc.", prepared by Inland Design, Exton, dated April 19, 2012 as a preliminary plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended, for the development of certain property located in the Borough of Malvern, Chester County, Pennsylvania, in the R-5 zoning district.

Mr. Mongeau asked if TAG could try to center in the roadway and Mr. Galbally responded "absolutely".

The motion carried by a vote of 4-1 with Council President VanSciver opposed.

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### 3. OTHER BUSINESS:

a. Planning Commission Reduction in Members – Advertise for adoption on June 19, 2012 – Both Mr. Mongeau and Mr. Siquett of the Planning Commission were in agreement to reduce the number of members on the Planning Commission. Council agreed to advertise for adoption.

b. ARLE Grant Projects – Council President Van Sciver reported that the ARLE Grant was the Red Light PennDOT money. He stated that the Manager has suggested that we look at this grant for the potential upgrading of the traffic signal at King Street and Warren Avenue. Council President Van Sciver asked Mr. Mongeau if those upgrades to the signal are consistent with what the Planning Commission envisioned when they drafted that language in the Comprehensive Plan. Mr. Mongeau responded that any improvements would be warranted and that we should apply. We should also submit for the Pedestrian safety improvements at signalized intersections such as countdown timers, easily accessible and quick response pushbuttons, crosswalk striping, and pedestrian signing.

The Manager will complete the application and submit by June 30, 2012.

c. Young Lungs at Play (YLAP) Ordinance – Advertise for adoption on June 19, 2012 – following discussion, Council agreed to advertise the proposed ordinance for adoption, as submitted.

### 4. PUBLIC FORUM:

a. John Buckley, 165 Church Street, stated that he would like Council to address the police harassment issues. Mr. Buckley stated that after last Tuesday's Council meeting, the following Wednesday at 9:00 p.m., he was walking up Church Street towards Roberts and was going to walk through the municipal lot. He was coughing. A police officer was driving by and hollered at him asking if John said something to him. John stated that he said he wasn't talking to the officer but was just coughing. The officer asked John if he was getting smart with him? John stated that he is tired of this. Another time an officer drove by and put a clipboard up to the side of his face facing John, then turned around down the road a little bit and came back again and put the clipboard up to the other side of his face. He stated that officers are also looking into his windows. Mr. Buckley feels that enough is enough. Unless he's doing something wrong, he wants to be left alone.

b. Susan Cook, 635 Highland Avenue, stated that since the April 15<sup>th</sup> meeting, nothing has been published about the police issue and she asked what is the status. She stated that they are hearing the Chief is going and will be replaced by an East Whiteland Lieutenant. She read Section 707, Part B of the Administrative Code regarding the Civil Service Commission. She asked if that power has been exercised and if not, why not? She also

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questioned whether a referendum could be placed on the ballot in November regarding the disbandment of the police department.

Council President Van Sciver responded that Council will place on their Agenda for the next meeting a discussion about the Police.

Ms. Cook stated that there is a meeting in East Whiteland tomorrow night. What she's hearing on the street is that this is a done deal. We need a better dialogue going forward.

Council President Van Sciver stated that there are personnel issues which we are not allowed to address publicly. A statement will be made at the next meeting. There is no effort to dissolve the Malvern Police Department. We are not moving forward with dissolving of the Police Department.

Following questions from Ms. Cook regarding the Civil Service Commission, Council President Van Sciver stated that there are no Civil Service issues now that are pertinent to our discussions.

Ms. Cook asked if the Referendum provision can only be used to repeal an Ordinance or if the public would like to see a Referendum on the November ballot. Council President Van Sciver responded that he believes it can be used to repeal an ordinance. He stated that citizens can initiate an ordinance that Council hasn't considered. Ms. Cook stated that she does not believe the public has been adequately responded to at this time.

Ms. Pettit, 147 Church Street, reported on several rumors that were floating around town. (As they are rumors, they will not be reported here.) Ms. Pettit also stated that she thinks the Borough also needs to consider the stressful work environment of our officers and that is not in their best interests. That can cause a hostile work environment. No one wants to come to work and wonder if they will have a job and who will be their boss. Ms. Pettit stated that from what she's seen, this is not a dysfunctional group of men and woman and they work well together. Every workplace has its issues from time to time. It is a positive work environment, they work well together and they work efficiently. Their days are numbered and they are being told that they are leaving. If there are issues in any organization, you work through the channels, counseling, etc., to make that problem so much better and that does not seem to be what is happening here.

Ms. Cook asked if there were avenues for redress within a region, police union, etc. and there should be other avenues, neutral parties to do counseling, redress, remediation, etc. What is chain of command and what are their options.

c. Frank Ortner, 144 Griffith Avenue, stated that on behalf of the Parade Committee, he would like to thank Dale Levin for providing the sound equipment at the Memorial Parade Fun Day Event and for helping out with that all day.

Mr. Ortner also asked that Borough Council think about providing the ability to have a banner hung across King Street regarding the parade. He stated that there has not been a location to hang a banner for the past several years. He suggested a possible location of E. King Street in front of the new Knots and Weaves building. One or both of those poles could be used or have a

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pole installed for these banners. The Parade Committee would like to see better advertising along King Street.

The other request he had was to consider having flags out from Memorial Day to Labor Day, especially along King Street. Anything to make it more festive with flags, etc., before next year's parade. Residents along Monument Avenue really make their places look quite festive.

Susan Cook suggested that residents, business owners, etc., could sponsor a patriotic display along King Street on the lamp posts, similar to the tree sponsorship at the holidays.

Ms. Pettit suggested flower baskets along King Street. It would bring the eye level down from all the overhead wires.

Council Member Uzman supported the idea of adding a pole, if required, to hang banners. He stated that the east end of town, on the north side, will be totally redeveloped. He asked what it would take to have one of the light poles extended to have it placed so that it will hold a banner and, on the other side of the street, find out what it would cost to put in another pole. As far as the flags on King Street, if the light standards have arms, we should have banners or flags. They would have to be replaced every few years but it will be money well spent in the downtown district.

COUNCIL PRESIDENT VAN SCIVER ANNOUNCED THAT COUNCIL WILL ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS

4. ADJOURNMENT:

All business having been discussed, a motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 5-0 to adjourn the meeting at 8:26 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager