

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

September 3, 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 Coughlin
Council Member Giandonato - ABSENT
Council Member Macaleer - ABSENT
Council Member Sponenbergh
Council Member Uzman
Mayor McGlone

2. SWEARING IN CEREMONY – PART-TIME POLICE OFFICERS :

Mayor Gerard J. McGlone conducted a swearing-in ceremony for the following newly hired part-time police officers for the Borough of Malvern:

Jeremy Sorensen
John Williams
David Felker

3. PRESENTATION - AUTOMATED EXTERNAL DEFIBRILLATORS (“AED’S)
FROM THE MALVERN FIRE COMPANY TO THE MALVERN POLICE DEPARTMENT

Fire Chief Neil Vaughn and Richard Constantine, ALS Coordinator, presented two Automated External Defibrillators (AED’s) to Police Chief Marcelli. Chief Vaughn stated that the AED’s are a great life-saving measure for heart attack victims. With the addition of these two AED’s that will be placed in the police cruisers, all emergency vehicles in the Borough will now be equipped with AED’s.

Chief Marcelli thanked the Fire Company for their generous donation and stated that the AED’s are really an important life saving device. With the donation of these AED’s, this gives us the opportunity to place one in the municipal building that will be accessible to the public. He stated that he appreciates the fire companies donation and, hopefully, we will not have to use them.

4. 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, commented on the following:
 - i. permits for a building project on Church Street;
 - ii. run-off from his neighbors building project;
 - iii. people who cut their grass and the clippings go down the drain;
 - iv. the corner on Woodland Ave. and King Street not being painted but intersections on Monument Ave. are being painted;
 - v. difficulty in crossing Bridge Street at Broad Street
 - vi. he spoke to the State Rep. about sidewalks going down Warren Ave. to Malvern Prep; and,
 - vii. a comment was made years ago when a liquor license was transferred to Malvern Pizza that no other licenses would be transferred to the Borough. Now Alba's has one and another one is being considered.

b. Frank Ortner, 144 Griffith Avenue, questioned the Peddling and Soliciting Ordinance and how it applies to the upcoming Fall Festival regarding the vendors. The Chief stated that this Ordinance would apply to the Fall Festival and the vendors would be required to pay a fee. Mr. Ortner questioned the purpose of the Ordinance and he was told that it was because there had been some folks making solicitations in the Borough that were going rogue without having been vetted with a license or background check. There were shortcomings in our current ordinance regarding door-to-door soliciting or sales off a vehicle. This ordinance was in response to concerns. These actors could pose a threat to the residents.

Mr. Ortner stated that he discussed with Wendy McLean the Spring and Fall events and she stated that the ordinance wasn't supposed to be geared towards events of that nature.

Council President Van Sciver asked if Borough Council wanted to take another look at this Ordinance.

Council Member Sponenbergh asked if Council wanted to take a look at the old ordinance and compare it to the new ordinance.

Council Vice President Raymond stated that, at best, it is unclear about parties in your home.

Council President Van Sciver stated that this is a mechanism to recoup borough costs for these events and other events which are more frequently occurring, the Borough does incur a lot of costs associated with them. If this is a mechanism to offset these costs, maybe this Ordinance should be looked at with that in mind.

Mr. Ortner stated that the vendors have already been charged a fee by the MBPA. If another fee is charged to them, they won't come.

Chief Marcelli responded that the fee that is being charged by the MBPA is \$100 and is there's to keep.

Mr. Ortner stated that the fee they collect is to offset their expenses.

Council President Van Sciver stated that the Borough incurs expenses and we are trying to recoup those costs, as well.

Council Member Coughlin stated that he sees there are added costs for the Police, and that is a problem for the Borough because of the added expense. The Business Association is able to charge fees to cover their costs, but the Borough is being asked to not collect for their expenses. He sees that as a problem.

Council President Van Sciver stated that it is a good thing that these events are going on but, at the same time, should we be using everyone's money to pay for them or should more money be spent by the users who are profiting. A payment to the community is for services.

Mr. Fruchter, Channing Avenue, stated that there are direct costs for additional fire and safety. If there are direct costs in additional time, those costs must be borne by the event. The ordinance may be focused on actual costs.

Council Member Sponenbergh stated that the Public Safety Committee will review the Ordinance and discuss it with the Business Association.

Council agreed, by a vote of 4-1, with Council Member Coughlin voting No, to suspend, the Peddling and Solicitation Fee for the Fall Event this year and will discuss the Peddling and Soliciting Ordinance at the next Council meeting.

c. Historical Commission Request – Lynne Hockenbury – Ms. Hockenbury reported that the Borough will be celebrating their 125th Anniversary in 2014 and the Commission wants to honor the Anniversary in multiple fashions. They are trying to keep the costs as low as possible. A handout was distributed to Council explaining the proposed events for 2014, including the possible purchase of banners for the lightposts. Information was provided in the packets on the cost of banners and hardware. Additional monies will be required for these events.

Council President Van Sciver stated that he believes we have to get a bigger picture understanding and how the Anniversary will be celebrated. Banners, etc., should be coordinated with the Business Association.

Council Member Uzman stated that Council talked about having banners on lightpoles but it has never gone anywhere. He prodded Ms. Hockenbury after the last meeting and he thinks we should consider having different banners that would be changed several times a year. It is a nice way to advertise events or to advertise the Borough. He asked Ms. Hockenbury how much it would cost for the banners and the brackets. Council has talked about it for over a year and he would like to see it done.

Ms. Hockenbury stated that the packet of information that she distributed includes sponsor opportunities.

Frank Ortner reported that the MBPA is looking to put some flower baskets on the lamp posts along King Street. This is one of the things they would like to do next year.

Council President Van Sciver believes there should be an overall design integrity theme. There was an effort to start a Main Street Manager Program a few years back. Addressing Eli Kahn in the audience, Council President Van Sciver stated that one of the thoughts he had was that Eli will have a very large group of retailers that his development will be managing, and they would have informal knowledge of other vacant retail space in town, and he asked if Eli anticipates having a mall-type management company managing his space. Mr. Kahn responded that with the limited square footage, it wouldn't make sense, but supporting all of these events would be important. He feels the business association is amazing and progressive. He stated that they are well coordinated and the quality of the events is incredible.

The Finance Committee will review the Historical Commission budget as presented.

5. APPOINTMENTS TO MALVERN HISTORICAL COMMISSION:

A motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 5-0 to appoint Christian Arena to the Malvern Historical Commission for a term to expire January 1, 2017 and to appoint Kurt Leininger to the Malvern Historical Commission for a term to expire January 1, 2016.

6. PUBLIC HEARING – TRANSFER OF RESTAURANT LIQUOR LICENSE TO CHRISTOPHER'S-MALVERN, LLC:

Council President Van Sciver announced that Borough Council will now open the public hearing to consider the request of Christopher's-Malvern, LLC, to apply to the PLCB to transfer a Restaurant Liquor License from East Pikeland Township to Malvern Borough. The Notice of Public Hearing was published in the Daily Local News on August 29, 2013, as required.

Vince Donohue, Esq., of Lamb McErlane, PC, introduced Christopher Todd, owner of Christopher's-Malvern, LLC. Mr. Todd gave a brief history of Christopher's and reported that they are a family-friendly restaurant and want to be a neighborhood place. Mr. Todd reported that he is a Chef by trade, they want to stay open until 2:00 a.m. every night and plan to serve food until 1:00 a.m.

Council Member Sponenbergh asked if they found that late-night didn't really pay off and it might be more economical to close up at 11:00 p.m. instead of 2:00 a.m., how would that impact his economics? Mr. Todd replied that he feels there might be a need for late-night. He originally thought they might be closing earlier, but he finds a lot of people to be out at night and it appears to be busy. He also reported that all of his employees are RAMP (Responsible Alcohol Management Program) certified and a certified Manager is on duty every shift. Mr. Todd reported that they will have approximately 100 seats, hardwood floors and sound proofing. Although there will be outdoor seating, he does not expect to have outside speakers or music nor do they have live performances inside the restaurant.

Council Member Sponenbergh questioned the decibel level in the restaurant because of the residential housing above. Mr. Todd responded that they are looking at sound proof panels for the ceiling.

Mr. Kahn stated that when they envisioned Eastside Flats, this was the prototypical restaurant they were looking for. It is a neighborhood place and Malvern is filled with kids and it is a great place to go with the family. The food is high quality and reasonably priced. Mr. Kahn reported that he is excited that they are coming to Malvern.

Mr. Ortner asked how much time Mr. Todd would be spending in the Malvern restaurant. Mr. Todd responded that it would be about 50/50 at first but that he would be where he needed to be at the time. Mr. Todd stated that it will take three months to build out.

There being no additional comments or questions, the hearing was closed.

7. RESOLUTION NO. 668 – TRANSFER OF RESTAURANT LIQUOR LICENSE TO CHRISTOPHER’S-MALVERN, LLC:

A motion was made by Council Vice President Raymond, seconded by Council Member Uzman and unanimously carried by a vote of 5-0 to adopt Resolution No. 668, a Resolution supporting the request of Christopher’s-Malvern, LLC, to apply to the Pennsylvania Liquor Control Board to transfer Restaurant Liquor License R-18869 from East Pikeland Township to Malvern Borough pursuant to Section 4-461 (b.3) of the Pennsylvania Liquor Code for property located at 335 East King Street, Malvern, PA, 19355, known as Eastside Flats.

8. OTHER BUSINESS:

a. Discuss the sale of two parcels owned by Malvern Borough – Ruthland Avenue and Woodland Avenue – at the last Council meeting, Council President Van Sciver appointed a Committee to consider selling two borough-owned parcels of land; one on Woodland Avenue and one adjacent to the private driveway off Ruthland Avenue that leads to the Malvern Fire Company. A zoning change may be required for the parcel off Ruthland Avenue. Council Member Uzman has volunteered to become the Chair of the Committee and he will be putting together some facts and figures for the parcels. By the end of the year, he will produce a report regarding options to move forward. There must be a public bid process for the sale of any borough-owned property.

b. Crosswalks on E. King Street – Council Member Uzman reported that on the east side of town, we are looking at a different option for stamped asphalt than what we currently have. Two options were considered and the one we are currently considering is stamped asphalt with a brick pattern. This product is currently in use at County Line Road in Villanova and, after two years of heavy volumes of traffic driving over it, it still looks great. As the E. King Street location is an entrance into the Borough from Willistown Township, one of the things discussed by Borough Council as having a raised crosswalk that would be approximately ten feet wide and

this brick pattern would be on the raised crosswalk. It would be a speed deterrent. This concept is described in the PennDOT Traffic Calming Handbook. These raised crosswalks reduce speeds up to 6 MPH and can reduce traffic 12% but we don't feel that will happen at this location because there is no other alternative for the traffic to go. When the asphalt wears, it can be easily replaced. The Public Works Committee is only proposing this raised crosswalk at the Ruthland Avenue intersection at this time. This would be constructed near the entrance to the Fire Company but the emergency vehicles will just be coming out onto King Street so they will already be traveling at a lower rate of speed so the raised crosswalk should not interfere with their response times nor should it increase any wear and tear on their equipment. The Committee is making a recommendation to place the raised crosswalk at this location.

Once this raised crosswalk is in place, an evaluation will be conducted for the remainder of the Borough at key locations. The Public Safety Committee should also comment as it is a public safety traffic calming device. It could become a theme for the streetscape crosswalks in lieu of the concrete pavers.

Engineering-wise, the stamped concrete is bituminous and you get some movement. This is a much better product for maintenance and it looks better than the stamped concrete.

Council President Van Sciver suggested that we ask the engineer about other related issues regarding stormwater management for the raised tables and delineate any detailed changes relating to the approved drawings at the two intersections.

c. 2014 Budget – At the October 1st meeting of Council, a rough outline of the budget will be presented and we will identify any issues to be conditioned upon approval.

9. 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 9:25 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager