

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH
1 E. First Avenue, Suite 3
Malvern, PA 19355

JULY 15, 2014
7:30 P.M.

PRESIDING: David G. Bramwell, President

INVOCATION: David B. Burton, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
 - Council President Bramwell
 - Council Vice-President Raymond - ABSENT
 - Council Member Lexer
 - Council Member Meisel
 - Council Member Oswald - ABSENT
 - Council Member Radano - ABSENT
 - Council Member Van Sciver
 - Mayor Burton

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, commented on the following:
 - i. Agenda not posted at the post office;
 - ii. Questioned the terms being offered to the Chief for his offer of employment. It was explained that Lou is currently still working under a Contract with East Whiteland Township. There has been discussion with regard to hiring Lou, at the time of his retirement from East Whiteland Township, as the full-time Chief with the Borough. If an offer is made and accepted, the terms will be made public at that time.
 - iii. Questioned why the hot tape was being applied to the crosswalks instead of the crosswalks being painted. It is cheaper to paint. It was explained to Mr. Buckley that the hot tape lasts longer, it is less toxic to the workers, and it is reflective.
 - iv. Questioned why Lynne Hockenbury has been going to the Planning Commission meetings and asking to go onto private property to take pictures of historic homes that are being demolished. If she goes into a private home and steps on a nail, who is responsible, the Borough? Ms. Hockenbury responded that, years ago, members of the Historical Commission were required to go in and take pictures. They would then have to get the pictures developed and placed in the file. We are now requesting that the property owner provide pictures so the Borough would not incur the costs. When the Historical Commission is not certain that pictures will be provided, they are making the request to take the pictures but

they would have to be invited in by the homeowner. The property currently being considered for demolition is possibly the second oldest home in the Borough and they want to be sure that they have pictures on file. Ms. Hockenbury stated that for certain properties in the Borough, the Historical Commission will be making the request to take pictures. She is certain these requests will be few.

v. Questioned if the Borough considered making the sidewalk on W. First Avenue between Warren Avenue and Powelton Avenue consistent with the new sidewalk on So. Warren Avenue and the sidewalk that was previously installed on Powelton Avenue. The Manager will look into the cost of replacing this sidewalk with new sidewalk with stamped pavers.

b. Joan Yeager, Raintree – reported that she read an article that Eastside Flats is For Sale and asked what happened? Mayor Burton responded that he did speak with the developer last week who told him that there are companies out there who manage these buildings. He stated there are big organizations that buy-up buildings and manage them. This is not an uncommon practice.

c. Presentation of a Pennsylvania Flag to the Paoli Memorial Association by Senator Andy Dinniman – Senator Dinniman presented a Pennsylvania Flag to Frank Ortner of the Paoli Memorial Association. Senator Dinniman thanked Borough Council for the good job they are doing and reported that his office is working on the multimodal grant and trying to get that grant for us. He stated that when he was at the Memorial Parade this year, he noticed that we were flying a United States Flag but did not have a Pennsylvania Flag and he wanted to make sure that he presented us with one for our 125th Anniversary. He will present an official Citation from the Commonwealth recognizing our Anniversary at the September Borough Council Meeting.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Van Sciver, seconded by Council Member Lexer and unanimously carried by a vote of 4-0 to approve the minutes of the Regular Meeting held on Tuesday, June 17, 2014, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Meisel, seconded by Council Member Van Sciver and unanimously carried by a vote of 4-0 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 June 2014, as submitted.

5. RESOLUTION NO. 682 – EMERGENCY OPERATIONS PLAN:

A motion was made by Council Member Lexer, seconded by Council Member Meisel and unanimously carried by a vote of 4-0 to approve Resolution No. 682, a Resolution adopting the Emergency Operations Plan of the Borough of Malvern.

6. RESOLUTION NO. 683 – GREENWAYS, TRAILS & RECREATION PROGRAM GRANT:

A motion was made by Council Member Lexer, seconded by Council President Bramwell and unanimously carried by a vote of 4-0 to approve Resolution No. 683, a Resolution authorizing Staff to submit a Grant not to exceed \$250,000 from the Commonwealth Financing Authority to be used to complete Phase II of the Patriots Path by installing curb and sidewalk on the south side of Old Lincoln Highway from the borough line at East Whiteland Township to connect to the curb and sidewalk on the west side of Bridge Street and to install share the road and safety signage along this Pathway.

7. EXTEND OFFER OF EMPLOYMENT TO LOU MARCELLI:

A motion was made by Council Member Van Sciver, seconded by Council Member Lexer and unanimously carried by a vote of 4-0 to extend an offer of employment to Louis M. Marcelli at the terms discussed in Executive Session.

8. NEW BUSINESS:

a. 2015 Budget – Council President Bramwell stated that the Council will soon be getting into the throes of the budget process and a lot of effort will be expended on the part of Borough Council.

9. OLD BUSINESS:

a. Request to East Whiteland Township for realignment of the Patriot's Path – Council Member Van Sciver explained why he felt a realignment of the Patriot's Path from Route 29 in East Whiteland Township, crossing over Route 30 at Old Lincoln Highway, using the sidewalks along the Cube Smart development and then crossing over Old Lincoln Highway

at the East Whiteland Township line into Malvern Borough would be a safer and less costly improvement to bring the Patriot's Path from East Whiteland Township into Malvern Borough.

The East Whiteland Board of Supervisors have invited members of Council to attend their August 13th meeting to present the realignment request.

Council Member Van Sciver will attend this meeting and make the presentation and will be accompanied by Council Members Lexer and Meisel and Mayor Burton. Council Members Radano, Raymond and Oswald will be contacted to ask if they would be available to attend as well. Council President Bramwell stated that he will be out of town that week and, regretfully, would not be available to attend.

b. Letter from Danny Fruchter, 234 Channing Avenue, - Council Member Van Sciver stated that the letter concerned the Retreat's apparent willingness to issue an easement for the greenway trail. The tone of the letter seemed to indicate an abrupt change in the Retreat's position and that it may signal that they have a different agenda for future development. Council Member Van Sciver stated that he can tell Council that for the greenway path, the Borough has been knocking on the Retreat's door for about ten years. There have been no discussions whatsoever about any kind of exchange where an easement across their land would result in them receiving any special considerations for waivers or variances for any future development of their property. Council Member Van Sciver stated that he thinks it is a tremendous generous offer from the Retreat to make the offer to us and to offer the easement for free. This would create another linkage between our 40 acre underutilized Randolph Woods and our ability to create this greenway path. The Borough should not delay in getting this easement. They abut Second Avenue. An easement will restrict their access to Second Avenue. With respect to conversations about them, between the Malvern Prep and Malvern Retreat, they are the largest landowners in the Borough. There would be a tremendous impact to the Borough if they were to be developed. The Subdivision Ordinance also looked at this very carefully. John Snook of the Brandywine Conservancy was one of the writers of the Subdivision Ordinance and the four-step design process was specifically included for these two parcels. Council Member Van Sciver reported that he remembers at one point it was the desire of the Borough to look at the minimal zoning that would be applicable if there was a change, but the Retreat actually reviewed that. They thought the Borough was trying to promote development fifteen years ago. They were adamant that they didn't want any kind of residential development for their land. This is just a little background about that and how we have communicated with them in the past.

c. Mayor Burton reported on the painting project for the Main Line Christian Assembly Church on Ruthland Avenue. The Mayor reported that Rajant Corporation volunteered to paint the Church on June 21st. Many volunteers showed up and Rajant Corporation absorbed the cost of the paint and other necessities. The new pastor, Robert Scott,

July 15, 2014

asked about having a fundraiser that should be a car show and he wanted to do it in the community. The Mayor stated that he referred him to the Paoli Memorial Association to inquire about having it in the horseshoe at the Memorial Grounds. They are trying to make an outreach to the community.

d. Chief Marcelli reported on a recent hit and run accident on King Street and wanted to make Council aware that the accident had nothing to do with the restaurant/bars in town or to do with any crosswalks. It was just an accident.

e. Malvern Fire Company Pig Roast – Frank Ortner reminded Council about the Malvern Fire Company Pig Roast on August 2nd from 3:00pm to 8:00pm. It is a good event for the community to come out and show their support of the volunteers.

10. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Lexer, seconded by Council Member Van Sciver and unanimously carried by a vote of 4-0 to adjourn the meeting at 8:24 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager

BOROUGH COUNCIL
WORK SESSION
July 1, 2014
7:30 P.M.

ANNOUNCEMENT – Council met in Executive Session on June 24th to discuss a personnel matter

1. Roll Call: Council Members Bramwell (Absent), Lexer, Meisel, Oswald, Radano, Raymond, Van Sciver, and Mayor Burton
2. Council Member Raymond announced that copies of the Agenda were available at the front desk. This was a Work Session of Council and, as such, there is no public forum scheduled; however, citizens/taxpayers were invited to offer comments during the discussion phase of each agenda item.
3. Review Emergency Operations Plan (Neil Lovekin) – Asst. Borough Manager Lovekin provided an update on the Borough’s Emergency Operations Plan. By the request of the Chester County Department of Emergency Services, the Borough rewrote the plan in the provided new format to meet state and federal guidelines; created a Notification and Resources Manual; and created Emergency Support Function Checklists. Borough Council will approve a resolution at their July 15, 2014 meeting for adoption of the plan.
4. Update on Monument Avenue Parking Restriction (Chief Marcelli) – Chief Marcelli stated there have been no known issues, on-street parking has been light, and vehicle speeds have been under control since the temporary ‘No Parking’ signs were posted three week ago. Borough Manager Kelley stated the temporary signs may remain posted for ninety days. Chief Marcelli prefers restricting parking on the north-side of Monument Avenue as opposed to the original alternating of north and south-sides, ‘Chicane’ effect. Council Member Lexer mentioned on-street parking along Monument Avenue has spread further west towards Sugartown Road, more evenly distributing the cartway congestion. Carroll Sinquett, 223 Green Street, expressed concern for Mauger-Givnish Funeral Home patrons who would need to utilize on-street parking. Chief Marcelli has been coordinating with Francis Givnish, Funeral Home Supervisor by requesting notice prior to services being conducted, as well as, instructing patrons to display a ‘Funeral’ placard on the front dash of their vehicle so police officers do not ticket.
Council Member Oswald inquired about the ‘No Parking’ signs posted on Winston Cutting Dr. Chief Marcelli summarized that the ‘No Parking 9pm – 6am’ were installed the week of June 23, 2014 at the request of the residents in the cul-de-sac of Winston Cutting Dr. Mayor Burton to follow-up with the Raintree Property Manager to revisit an informal agreement of allowing a resident with a pickup truck to park onsite until his lease expires in August 2014.
5. Discuss Existing Projects Update Form and Projects to Consider Adding to Capital Expenditures for Possible CRP Funding/Capital Expenditures – At the suggestion of Council Member Oswald and reinforced by Council Member Radano, Council agreed to have Borough

Administration prepare a synopsis of borough finances for the September 2014 Work Session, specifically outlining procedural processes in budgeting for the 2015 calendar year.

Council Member Raymond recommended Council to consider adding audio and video installation in the Meeting Room to the 2015 Budget.

Council Member Van Sciver recommended Council add the Patriot's Path to the 2015 Budget.

Council Member Owsald recommended inviting the Comprehensive Plan Committee to present before Council with their recommendations for inclusions in the 2015 Budget.

Council Member Radano recommended Council consider increasing the set aside amount for a potential real estate transaction from \$250,000 to \$500,000. Council Member Van Sciver suggested Council should consider what the Borough could do with the north-side property that is currently packaged with the south-side property. Council Member Radano stated the Finance Committee has to take action regarding commencing a Phase II Environmental Assessment prior to a possible real estate transaction.

6. Old Business:

a) Historical Commission Update – Zeyn Uzman, 305 Charleston Green, provided the Historical Commission update. Zeyn provided a status update of the 'Historic Trolley Tours' scheduled for Thursday, August 7, 2014 from 4:30 – 7:30pm. Tours will last for approximately one hour, depart every twenty minutes and are filling up quickly. Tours are being sponsored by the Malvern Historical Commission and the Paoli Battlefield Preservation Fund. September 16, 2014 will constitute exactly 125 years that Borough Council has presided over borough affairs. Council agreed to limit its September 16, 2014 meeting to accommodate a historical celebration to include borough volunteers and residents. Local vendors will be providing food and refreshments that were common in the 1900's.

Council agreed to either end the meeting early on September 16th or to schedule a Special Meeting prior to September 16th.

b) CTI Towers Proposal for Ruthland Avenue – Council agreed to have Borough Administration begin discussions with the Malvern Fire Co. to determine if it would be interested in leasing a portion of its property to CTI Towers for the erection of a monopole as the Borough's lease expires with Comcast in 2019 and may not be renewed. Council Member Van Sciver stated Council would have to support the Fire Co., if it is agreeable to the lease proposal, when it applies to the Zoning Hearing Board for variances concerning tower height restrictions and an additional use.

7. New Business:

a) Announcement – Council Member Raymond announced a vacancy exists on the Planning Commission due to the resignation of Cecelia Oswald. Applications may be submitted to the Borough Manager, 1 E. First Avenue, Suite 3, Malvern, PA or email to Malvern@malvern.org. Applications will be accepted until Friday, July 18, 2014, at 5:00 p.m. so Planning Commission members may review and interview candidates at their Thursday, July 31, 2014 meeting. Council Member Van Sciver expressed his gratitude for Cecelia's 7 years of volunteer service with the Malvern Planning Commission, which commenced in 2007. Council Member Raymond shared similar sentiments that initiated a discussion among Council to recognize Cecelia's service.

b) Patriot's Path Update (Council Member Van Sciver) - Council Member Van Sciver summarized his suggestion for Borough Council to formally request East Whiteland Township to consider realigning its section of the Malvern Patriot's Path by utilizing the Norfolk Southern rail bridge along PA Route 30 (i.e. Lancaster Avenue) as opposed to opening an abandoned tunnel below the rail line, only accessible from a private property; crossing at the intersection of PA Route 30 and Old Lincoln Highway instead of at the intersection of PA Route 29 (i.e. Phoenixville Pike) & PA Rt. 30, citing higher traffic volumes and cross patterns; and incorporating existing curb and sidewalks installed by the Cube Smart development, located along Old Lincoln Highway. Council agreed to have Borough Administration begin discussions with East Whiteland Township in restructuring its segment of the Patriot's Path to align with Council Member Van Sciver's suggestions. A letter supporting the realignment of the Patriot's Path at this intersection will formally be introduced at the next Borough Council meeting in July 15, 2014.

8. Adjournment

All business having been discussed, a motion was made by Council Member Van Sciver, seconded by Council Member Radano and unanimously carried to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Secretary