

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

February 5, 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  
Council Member Sponenbergh  
Council Member Uzman  
Mayor McGlone

PRESIDENT VAN SCIVER ANNOUNCED THAT BOROUGH COUNCIL MET IN EXECUTIVE SESSION ON TUESDAY, JANUARY 22, 2013, TO DISCUSS A PERSONNEL MATTER AND AGAIN PRIOR TO TONIGHT'S MEETING TO DISCUSS THE SAME

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:
- Harassment by Officer McNamee
  - Dog feces on E. King Street
  - Snow on sidewalks
  - Rain spouts emptying onto sidewalks and then water freezes on sidewalks
  - Snow not being plowed curb to curb
  - If something is not done by Council about the police harassment, he is going to someone else who can help him
- b. Neil Vaughn, Fire Chief, reported that this year is the Fire Company's 125<sup>th</sup> Anniversary. They were organized on February 8, 1888. They are seeking support from Borough Council to hold a parade on Saturday, October 5<sup>th</sup>. The parade route has not yet been established but discussions have been held with the Chief. The parade is expected to be smaller than the Memorial Parade.

Council responded that it sounded good and that they would support it.

REGULAR MEETING

February 5, 2013

Page 2

Neil also stated that the evening of the parade, they would be having a smaller after-party for the personnel and volunteers and friends of the Fire Company. They will have to apply to the LCB for a liquor license for the event and they will need a letter from the municipality supporting this event.

Council agreed to endorse this event by providing a letter of support to the LCB.

Neil introduced the new officers of the Fire Company:  
Chris Gastwirth, Chairman of the Board  
Joe Lebresco, Vice-President of the Fire Company  
Paul Wilkins – President of the Fire Company

c. Patti Rossiter, 241 Miner Street, asked if there was any new information about the police being put on the ballot.

Council President Van Sciver responded that he had been notified by Chief Ercole that his contract with the Borough is set to either expire or be renewed at the end of June. Chief Ercole has requested that the Borough not renew his contract as he would like to return to East Whiteland. There have been conversations about next steps with Borough Council and the Mayor. Council has agreed to ask East Whiteland about having a similar arrangement with another officer. The conversation with East Whiteland did occur but no details were finalized other than it would be a similar cost.

Mayor McGlone stated that he believes that is the right solution. Mark has done a wonderful job with the Police Department. The Department is working well with neighboring municipalities. The Mayor further stated that from what he can gather, it is a Department that has impressed Mark with their leadership and we would expect that to continue in the future.

John Giannone, 26 Karen Drive, stated that there is word on the street about going back to the old thing of outsourcing our police. Mayor McGlone responded that there has been no conversation about that. What we have discussed with Chief Ercole is about decisions for next steps. We would like to have a similar arrangement with another officer in East Whiteland. No discussions about getting rid of our police officers.

Officer McNamee asked if there have been discussions about a referendum. It was responded that there are no active referendums being considered. He also asked the Mayor if he wants to keep the Police Department? The Mayor responded that he wants to see our current status continue with someone else. I have always stated that I would not support a disbandment of the police department.

Officer McNamee stated that there are also other qualified candidates out there other than those from East Whiteland.

Mr. Giannone stated that when Council was considering going outside to look for a Chief, there was no money mentioned. Why was that?

Council President Van Sciver responded that Council never pursued it.

Mr. Giannone asked if the people would be informed about what the cost would be and the savings would be if you decided to go that way.

Council President Van Sciver responded that if there was anything that the Council was going to try to do with the police force, there would never be a decision made behind closed doors. Council President Van Sciver stated that in any kind of decision, he would be a strong proponent of a referendum so that the people could speak.

Mr. Giannone stated that if the decision was made to disband the Police Department, he feels that would be the biggest mistake that Council could make.

3. MEMORANDUM OF UNDERSTANDING – THE NORTHEASTERN CHESTER COUNTY EMERGENCY RESPONSE TEAM (NECCERT):

A motion was made by Council Member Sponenbergh and seconded by Council Vice President Raymond to enter into the Memorandum of Understanding for the Northeastern Chester County Emergency Response Team (NECCERT), including Addendum “A” Financial Obligation.

Chief Ercole reported that NECCERT is an emergency response team. Chester County, in and of itself, does not have an emergency response team. The current teams are West Chester and the North Team. We will be joining the North Team. We will have one member joining the North Team and this will involve monthly training. By having an Officer on the Team, it will give us the opportunity to receive a response from the Team without delay and we will have access to the West Team that has different equipment from the North Team. The North Team has different government funding that includes bio hazard response and this gives them funding that the other Teams don’t have access to. It will be better for the Borough equipment-wise. If we have incidents in Malvern, we have a member of the Team who knows the buildings and nuances of the Borough and this can bring additional knowledge to the Team. The Administration (meaning the Chiefs) meets monthly with every department on the team. Participating in the NECCERT should be a benefit to the Borough.

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

4. ANNUAL REPORTS FROM MALVERN BOROUGH’S BOARDS & COMMISSIONS:

a. Parks & Recreation Committee – Patti Rossiter reported on the various events held by the Parks & Recreation Committee during the year and reported that each year participation exceeds prior years. The annual Spring Fling, held in June, continues to be a real favorite event as does the annual Fall Fest held in September. This year they stepped up their advertising with more yard signs and they believe that has been very helpful in promoting the events and increasing attendance at the events.

## REGULAR MEETING

February 5, 2013

Page 4

b. Planning Commission – Chris Mongeau, Chairman, reported that Borough Council is well aware of the Planning Commission work during the year as they are the last level of where their work goes. They felt reducing the size of the membership from seven to five has worked out very well. The Planning Commission also wrote some By-Laws that are posted on the website. Mr. Mongeau reported that it really hasn't been a very busy year for the Planning Commission and reported on some of the projects that came before them for recommendation to Borough Council. Going forward, one of their main goals, since adoption of the Comprehensive Plan, is to go through this Plan and be sure that the Subdivision and Land Development Plan and the Zoning Ordinance are consistent with one another.

### 5. OTHER BUSINESS:

a. SALDO Application for 217 South Warren Avenue – Council President Van Sciver stated that he has reviewed the Borough Engineer's letter regarding this property. He reported that the Consultants for the proposed greenway trail plan got the nod of approval from Malvern Retreat to access their land to get to Randolph Woods. That trail will come down and terminate at the corner of Second Avenue and No Warren Avenue. That will be a big part of the same sidewalk streetscape.

Danny Fruchter, 234 Channing Avenue, stated that he thought that Borough Council might talk about the issues regarding this property. Council President Van Sciver responded that the Planning Commission has not yet made a recommendation to Borough Council to consider. The application is still being discussed by the Planning Commission

Syd Baglini, 203 Channing Avenue, commented on the following:

- The number of waivers being sought by the applicant
- The waiver of the 100-foot driveway from a corner vs the proposed 40 foot driveway from the corner. She feels this is a safety issue.
- Buffering on public property vs private property

Mr. Fruchter stated that the school buses will be swinging into a driveway on the new development plans. He also commented on the following:

- The Borough would not have to grant one waiver if the developer built four homes instead of five
- He does not feel the new homes will “preserve the character of the traditional neighborhood pattern”.
- As far as he can tell, there are no single family homes in the R-4 District that are as big as the homes being proposed.
- There may be potential toxic chemicals on this property

Council President Van Sciver stated that his concern is the pedestrian linkage and he hopes the Planning Commission will focus on that given the proposed greenway trail.

Mr. Mongeau responded and the Planning Commission will make sure everything will be discussed.

Council Member Sponenbergh stated that when he read the borough engineer's letter, he could sympathize in terms of the number of dwellings that TAG is proposing; he can understand the profit, but asked what is wrong with four vs. five dwellings. That was his reaction. The plan calls for five houses on one acre.

Council Member McCrory suggested that the engineer should be aware of the trail plan.

Council President Van Sciver reported that, since both Chris Mongeau and Carroll Sinquett are in attendance and are both members of the Planning Commission, and members of the Fire Company are also in attendance, the Borough owns property next to the private road leading to/from the Malvern Fire Company. The thought has always been to keep this property for use by Public Works but Public Works feels it is too far away from the garage to be feasible. The next question would be, what do we need it for? We could consider selling it and return the money to the residents. At some point in the future, we should get together and talk about who might purchase the land and be cooperative with the fire company. Neil Vaughn, Fire Chief, responded that he appreciates that Council will keep them informed during this process.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Uzman, seconded by Council Member McCrory and unanimously carried by a vote of 6-0 to adjourn the meeting at 8:31 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager