

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

March 6, 2012
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

1. ROLL CALL:
 - Council President Van Sciver
 - Council Vice President Raymond
 - Council Member Giandonato
 - Council Member Macaleer
 - Council Member McCrory - ABSENT
 - Council Member Sponenbergh
 - Council Member Uzman - ABSENT
 - Mayor McGlone

2. PUBLIC FORUM:

Council President informed all present that copies of the agenda are available at the front desk. This is a regular meeting of Council, and, as such, there is no public forum scheduled; however, citizens/taxpayers are invited to offer comments during the discussion phase of each agenda item.

- a. Penny Alderson, Tidewater resident of 12 years, reported that she has had a dog for five years and is here to urge the Council to take more affirmative action about the dogs in the Paoli Battlefield. Dogs running without a leash has been going on for a long time. She reported that she is here reluctantly, but the situation has escalated and a week ago when she got to the Battlefield, there were at least five other dogs coming from the battlefield that were not leashed. The police were called and they came and the Officer urged us to come to the Council. Mrs. Alderson feels that larger signs are needed both on the playground area and at the entrance to the Battlefield to make no mistake about there being a leash law.

Mrs. Alderson's second suggestion is to write another letter to the community and to be more forceful in the newsletter. She feels that we need to forcefully state that this is the law and we expect you to abide by it. She stated the police are trying as hard as they can and the police should get out more often and walk around the woods. She stated that she really believes it is not just being a responsible dog owner but being a good citizen. She feels that all the laws matter.

Council President Van Sciver thanked Mrs. Alderson for coming.

Council Member Sponenbergh stated that he thinks there is a second part to the Ordinance that not only requires dogs to be kept on a leash, but to clean up after the dogs. He stated that he was walking his dog today and Officer Dougherty was on duty and he made a complete circle of the battlefield. That was an effort to enforce the ordinance but our officers can't be there all the time and people are violating the ordinance all the time.

- b. John Buckley, 165 Church Street commented on the following:
- 1) A heater was installed in his home in December. He stated that he has to go to Court about this because he did not get a permit and feels it is a waste of time. He felt it was the Code Enforcement Officers responsibility to have the contractor get the permit.
 - 2) Commented on all the money that was spent on the Kiss and Makeup event. Police were out there most of the day and night and the street was closed off. The road cannot shut down.
 - 3) Asked when the Borough residents are going to know what is going on about the Flying Pig and Sgt. Douglas.

Council President Van Sciver asked Mr. Buckley what he meant by what is going on. Mr. Buckley responded that he was referring to the lawsuit. Council President Van Sciver stated that there was no lawsuit.

3. ANNUAL REPORTS FROM MALVERN BOROUGH'S COMMISSIONS AND COMMITTEE:

a. Historical Commission – Lynn Hockenbury reported the following:
We began the year with some interesting questions, information, and then more questions regarding the two historical markers at King/Sugartown and Warren/Paoli Pike. The sign at King/Sugartown has incorrect information on it, and we were interested in having it replaced. After finding the appropriate group overseeing these signs, we discovered that the sign is actually an historical object, and there was no way to replace it. The sign at Warren/Paoli Pike has left different questions. Upon investigation of this sign, it was discovered that it was actually a directional sign that had been painted over. We are still not sure who has jurisdiction over this sign, as it is not the same as the one at King/Sugartown!

The Commission attended all three events in the Borough - Malvern Blooms, the Fall Festival, and Victorian Christmas. Along with selling our books, reproduced postcards, etc, we have been sharing some of the items we have collected over the years. It seems that each time, more people are stopping by our booth to see the items that we have brought to show. We enjoy talking with many of these people, who tell us some interesting stories!

We published a new book this summer entitled Malvern Treasures, thanks to a loan provided to us by the Borough. With sales of the books and other items, and also giving up some of our budget this year, we were able to pay back the loan at the end of the year. Nancy Schmitt, the author of the book, shared her stories about the writing of this most recent book at events at the Malvern and Chester County Libraries, and also attended a Local Authors event at the Chester County Library. The book is currently being sold at the Borough Hall, the Malvern Library, the National Bank of Malvern, Kohlerman's Pharmacy, and the Chester County Historical Society.

We have spent much of the year focused on writing an Historic Ordinance for the Borough. In July, we formed a sub-committee with the Planning Commission to work on this. With help of Borough resident and Preservation Planner, Tom Scofield, we are finally to a point

where we can share our ideas with the Borough residents. Our first meeting will be at the end of this month at our regular meeting day and time - March 26 at 7:30pm. Anyone who is interested is welcome to attend. We hope to get some feedback from residents regarding the ordinance. It is our hope to have an adopted ordinance by the end of this year.

Additional services and tasks performed by Commission members over this past year include family research for Mr. Grant King who reached out to us by email, taped interviews of long-time Malvern residents for first-hand accounts of life in Malvern, shared photos with people and businesses who have requested more information on their properties, and accepted donations of items that help us to understand more of the history of the Borough. Additionally, we have discussed the idea of an historic preservation award to be given to builders who make exceptional effort to maintain the historical quality or restore buildings in the Borough to their former appearance while still creating usable space for businesses or living and also hope to put forth a plan to digitally archive the papers and items that we currently have in our collection.

Finally, I have attempted to reach out to the various committees and groups who hold events in the Borough regarding the upcoming 125th anniversary in 2014. It is our hope that the Borough would be able to plan for additional funds to the budget for that year so that we might be able to hold some extra events to mark this special occasion. If there are any thoughts or suggestions about this, the Historical Commission would love to hear them!

b. Shade Tree Commission, Judy Thomas, reported the following:

The two biggest accomplishments were a Spring tree planting and a pruning in the Fall. The Commission planted about 18 trees in the Spring that were obtained through the Tree Vitalize grant program. There were 10-15 volunteers who planted these trees at the Paoli Battlefield, Randolph Woods and Rubino Park. In the Fall, the Commission did a lot of pruning in Burke Park and pruned a tree in front of Malvern Pizza and removed a dead tree in front of Gallagher's on King Street. The Commission coordinated with the Willistown Conservation Trust about management of the Randolph Woods site. The Commission reviewed and commented about the landscaping plans for E. King Street and responded to landowners requests for information.

One tree was planted in the Fall in Burke Park for the Club of Little Gardens of Malvern who celebrated their 80th Anniversary. They contributed \$80 to plant the tree.

The Commission hopes to do another tree planting in the Spring.

c. Parks and Recreation Committee, Patti Rossiter, reported that the Committee held their first Easter Egg Hunt in 2011 and have scheduled their second annual Hunt for 2012. The Committee held two yard sales; one in May and one in September. They had their 7th annual Spring Fling and Ice Cream Social and one Movie Night. They also had their 8th Annual Fall Fest with free pizza and soda and the Highballs Band performing. All events were held in Burke Park.

Council President Van Sciver thanked all the groups and volunteers for their efforts on behalf of the Borough residents.

4. PARKING ON WEST KING STREET AND OTHER ITEMS FROM THE PUBLIC SAFETY COMMITTEE:

Council Member Sponenbergh, Chair of the Public Safety Committee, presented a chronology of the events leading up to tonight's discussion regarding the parking on W. King Street. Following his presentation, he reported that at the Public Safety Committee meeting, Council Members Giandonato and Sponenbergh recommended parking on both sides and that Council Member Raymond recommended no parking on W. King Street. At this same meeting, Mayor McGlone and Manager Kelley recommended a continuation of the no parking ordinance for safety concerns.

Council Member Macaleer stated that he would recommend no parking for reasons of safety. He asked what the cost would be to restripe and was told the cost would be \$5,000.

Council President Van Sciver stated that he agreed with the engineer with parking only on the north side and it would be restriped. He stated that his position is still unchanged.

Council Member Macaleer stated that he would agree if the area was restriped and specified parking spots were painted on the street.

Council President Van Sciver stated the calming measure was taken to narrow the travel lane visually. If you stripe for parking and narrow the median, you are still narrowing the cartway.

Although Council Member Uzman was not in attendance, he indicated previously that he would go along with the engineers recommendation.

Mr. Robert Hunsicker, 223 W. King Street, stated that he has lived in his home since 1990 and he doesn't know what the problem is because there has been no problem. The cartway is now so narrow that he is scared to go get his mail. Every third car goes through the stop sign. People are not obeying traffic laws anyway.

Following discussion, a motion was made by Council Member Sponenbergh and seconded by Council Member Giandonato that we revert to narrow striping from the current island striping and that we permit parking on both sides of W. King Street without designated parking spaces. The motion failed.

A motion was made by Council Member Sponenbergh, seconded by Council Vice President Raymond and carried by a vote of 4-1, with Council Vice President Raymond opposed, to amend the ordinance to permit parking on the north side of W. King Street with designated parking spaces lined as recommended by the Borough Engineer and revert back to the narrow double yellow line striping.

5. NEW BUSINESS:

a. Future Events in Town - Council President Van Sciver reported that another issue that the Public Safety Committee should examine is that there was some consternation about the closing of King Street for the Kiss and Makeup Event on Sunday, February 26th, and how the event was applied for and how the event came about. The Chief has suggested that perhaps the

Public Safety Committee should examine an application that would be required to be completed and submitted prior to an event for a street closure. Council President Van Sciver feels the Public Safety Committee put together a Petition similar to the Traffic Calming Petition and have it passed by the Mayor, Police and Malvern Business & Professional Association (MBPA). Council President Van Sciver stated that he had an informal conversation with Jim Fooskas and he thought it would not be too burdensome to the Association. This event impacted their businesses. In the future, the MBPA could vet a street closure. One suggestion from Mr. Fooskas was that the legacy events be exempted; i.e. Malvern Blooms, Fall Festival of the Arts, Memorial Parade and Victorian Christmas. The rate that is charged for police services should be included so they know what the cost would be up front. The Mayor believes that Council should have the ultimate authority to approve or disapprove any event. The Mayor should have a say, but Council should have the ultimate authority.

Council Vice President Raymond feels the form should be crafted carefully and well advertised so people in the future give everyone sufficient time to review and respond.

Council President Van Sciver reported that the cycling event will close more streets. This event was considered under the auspices of the MBPA.

b. Police Services: Council President Van Sciver reported that Borough Council has considered and wants to consider publicly the possibility of providing for our police services by alternative means of our own Police Department and contract through a neighboring Police Department. We will set a public meeting date of April 17th for an official public hearing on this matter and Council President Van Sciver referred those in attendance to the PA Governor's Center for Local Government Services titled "Regional Police Services in Pennsylvania" that has a lot of good information about contracting police services in Pennsylvania. The link for this document will be made available on the Borough's website.

Our negotiations for the Police are that in order for us to provide effective police services, there are special requirements for so many different things and we are questioning whether, as a small town police force, if we can really provide the complement of police services that we really need. That is one of the primary issues for making this investigation.

Council Member Sponenbergh stated that Council anticipated with the E. King Street project and 190 additional residents that our needs become more complex regarding our critical mass.

Council President Van Sciver stated that this is not necessarily going to be a cost savings event to the Borough, but we think that we need to look into it to see where we are. It will impact everyone's life. It is a significant part of our budget – more than 1/3 of the budget is for police services. A letter will be sent to the residents regarding the public meeting on April 17th.

Mrs. Alderson of Tidewater stated that when she was growing up in Wilmington, this was done. They had private police and then contracted with the State Police and psychologically it was so effective that it lifted a cloud of worry off the community. Just the idea of them being there and having more than one or two officers was fabulous.

Carroll Sinquett, 223 Green Street, asked Council if they were going to solicit any informal bids from our neighbors.

Council President Van Sciver responded that we probably wouldn't solicit bids but would have conversations with them. We want to explore if it is the right thing to do for the community.

6. ADJOURNMENT:

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

COUNCIL PRESIDENT VAN SCIVER ANNOUNCED THAT COUNCIL WILL NOW MEET IN EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Respectfully submitted,

Sandra Kelley
Secretary/Manager