

**THE MEETING WAS HELD AT THE FIRST BAPTIST CHURCH,
148 CHANNING AVENUE (OUR POLLING LOCATION)**

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

April 17, 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
Council Member Macaleer
Council Member McCrory
Council Member Sponenbergh
Council Member Uzman
Mayor McGlone

2. DISCUSSION REGARDING CONTRACTING OF POLICE SERVICES:

Council President Van Sciver opened the discussion by explaining that his role as President of Council is to conduct the meeting and that we will do so in a respectful manner to afford each resident and taxpayer an opportunity to make a statement. He stated that only taxpayers and residents would be permitted to offer comments.

Council President Van Sciver gave a brief overview of the role of elected officials in the Borough. He also made the following points:

- a) The cost of police services is a significant part of the budget and Council's exploration of outsourcing is not a novel pursuit as many prior Councils have looked into this to some extent. The intent is in concert with one of Council's central roles – spending the taxpayers dollars as effectively as possible.
- b) Council has conducted internal investigations relative to our police and all investigations were conducted pursuant to personnel matters which are not privy to public discussions. As such, personnel matters will not be a part of the discussion this evening.
- c) We have had exploratory discussions with East Whiteland and Willistown regarding contracting of police services. It appears that if we were to move forward with a contracting scheme, it would most likely be with East Whiteland. However, it is important to note that no contracts have been tendered to date and all discussions have been exploratory.
- d) In order to help us make this very important decision, we invited you here this evening to get your feedback and your input.
- e) Given that a contract has not been reviewed, the specifics of any such potential scheme are not set in place, so we may not have answers to some of your questions.

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f) The basis of our discussions to date has been to provide 24 hours a day, 7 days a week police patrol presence in the Borough. The discussions have been centered on essentially providing services which have no observable differences to what we have today from a patrol perspective.

g) We are examining the potential contract services against many criteria, not the least of which is how not having our “own” police force might impact our community.

h) All of Council and the Mayor are residents of the Borough. We have children and family members living here and have as grave a concern for our “families” safety as each of you. We do not take this decision lightly.

i) One of our primary roles as elected officials is to try as best we can to spend your tax dollars as wisely and efficiently as possible and that is why we are having this meeting tonight.

j) Our hope is you will understand we are attempting to fulfill our responsibilities as Borough Councilors by making an informed decision on this matter in a rational manner.

Mayor McGlone opened his remarks by stating that the key issues that we need to clarify with the residents and businesses of Malvern are:

a) We currently provide 24/7 police services to the Borough using both full and part-time officers. We have a Chief, one Sergeant, three full-time officers, one administrative assistant and anywhere from 3-6 part-time officers.

b) There is at least one officer on duty working 12 hour shifts. While this officer is often a full-time officer or the Sergeant, there are times when we have a part-time officer on duty alone. We also have power shifts Wednesday through Saturday evenings from 9:00p.m. to 3:00 a.m.

c) While I oversee the police department as Mayor, I delegate the day to day leadership of the department to the Chief of Police. All full-time and part-time officers currently report to the Sergeant and the Sergeant reports to the Chief.

d) While the idea of outsourcing our police department is a concern to all within the borough, I think it is my responsibility as well as the council’s responsibility to evaluate if we are getting the most comprehensive protection that we can for our tax dollars.

e) We are not considering outsourcing our services to the state police. The basis of our discussions to date require an officer in the borough full time 24 hours a day, 7 days a week! This is the same level of service that we have had for years.

f) Both Willistown and East Whiteland were approached. Willistown didn’t appear to fit as well with our requirements while East Whiteland embraced the idea. It helps them as it positions them to grow their department by a minimum of two full-time officers.

g) Response times will not be compromised as there will be an officer assigned to the borough, full-time, 24 hours a day, 7 days a week.

h) In addition, East Whiteland would have a full-time Sergeant on duty 24 hours a day, 7 days a week, so officers will be able to call if they encounter a situation requiring guidance or advice.

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- i) Malvern's current officers will be encouraged to apply for positions with the East Whiteland police department.
- j) Police services will be full service including coverage for all special events just as it is today.

Comments were invited from the audience:

Joyce Pettit, 147 Church Street, thanked all the law enforcement people in the room and announced that she had a petition to keep our police officers. Ms. Pettit commented on the following:

Should expand our department, not disband

Concerned with ignoring of leash laws

Concerned with stop signs

Continuity of police services

A minimum of 190 new residences coming into E. King St. with increased traffic on King St. with new residents and businesses

Subcontracted police services have failed in our area

No say in the police department if contracted out

Residents have a relationship with our officers –this service will be lost

Council stated that we will be paying less in taxes – I don't think so

What is \$ per capita for the salaries of the officers – officers start at low \$60,000 and top out at \$80,000 How will it be cost effective for Malvern residents

When do we get to see the contract in question

The word on the street is that there has already been a back door deal negotiated with East Whiteland Township

Should have dealt with personnel issues instead of throwing out the baby with the bath water

Art Davar, 155 Old Lincoln Highway, stated that the kind of interaction that he has found in Malvern is a good interaction with the Police Department. He believes that we need to have our own police department.

Lauren Lewis, 11 E. King Street, stated that she lives along E. King Street and she had a chance to see what goes on along King Street with the bars and the kids. The idea of disbanding our police force would be like self-imploding the heart of our family. Having our own police department and fire department is part of what is 100% necessary to have to move forward into the next decade. If what continues to happen as things escalate in the world as it is today, we need to remain unified in the community.

Vicki Sharpless, 320 E. Broad Street, stated that she is a 50+ resident of Malvern and formerly on the PC twice. She stated that she is really invested in the town of Malvern. Part of the reason to be in Malvern is our very own Malvern Police Dept. I believe they do a really good job.

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Outsourcing our P.D. may not save us money. If we aren't going to save big \$\$, why are we thinking about this.

John Kohler, 225 Paoli Pike, stated that something doesn't smell right here. There is not an obvious cost-saving. There may be things that need to be shaken out of the rug. I don't think our patrolmen are the place to start. Everybody here seems to have a fairly positive reaction with the P.D. I border Willistown Township. I have a problem with contracting with East Whiteland and not Willistown. Unless there is an obvious savings, why are we looking at doing this? The officers understand the community and understand what is going on. I think our Mayor has a lot of experience with benefits but getting rid of our police department is not the place to start.

Molly Peterson, 12 Old Lincoln Highway, asked the audience who wants to keep the P.D. There was a large show of hands. She then asked the Council – you said you can have as many meetings as possible-the decision has been made by the constituents. You said 24/7 coverage in the Borough. Have you considered shift change? Shift change takes a while and if an officer has to clock out in East Whiteland and someone else has to come on, it will take time. Basically the response time from Route 401 is a longer time. If there are any legal sanctions that come from you, will our residents be paying for those sanctions? That would be adding insult to injury.

Sid Baglini, 203 Channing Avenue, stated that one of the reasons she moved to Malvern 14 months ago was the police force. We are safe and well protected and have the fire and police within minutes of us. Our current demands are 3200 residents – from M-F we have 1052 school students; a thriving business community with vested interest in their properties. The contract would provide one part-time officer 24/7. A lot of times there is more than one patrolman coming and going during the day. For me, the most powerful moment was my first couple of months when I watched our policemen patrol all night long during Hurricane Irene, in conditions that kept me from our bed. There is no turning back if we get rid of our Police. We have no control whatsoever. Our police know us. They know who gathers in the park at night. If it is a budgetary concern, why didn't you assess Mr. Kahn a sufficient amount in the process. Don't completely shut down the business to solve a personnel issue. If there is a difficulty in negotiating contracts, why give up the ability to control that income.

Father Kevin McCabe, 108 Woodland Ave., suggested that we do each other favors. A lot of those favors rely upon the Police Department. Those favors will be undone if we lose the Department. If we do more for each other, it will save us \$\$.

Susan Cook, 635 Highland Ave., stated that on a personal level she has dealt with Sgt. Douglas over a number of years. He has never been anything but professional and has extended his hand. Officers Dougherty and McNamee have gone beyond the call of duty. She feels that she is not going to get that level of service elsewhere. She wants to see this problem fixed. As an employer, if you have a human resources issue, you don't fire everyone in the company and

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close the doors. You get rid of the problem. This problem can be fixed. She doesn't want to lose these fine men who have served our community for so long.

Lily Brown, 25 Ruthland Ave., reported that she has been in Malvern for 8 years. She lived for many years in Philadelphia. She has been impressed with the Malvern Police Department in that they come and watch over the building and I know it by finding a slip of paper in the door. There was a youth group that went to Dorney Park and they came back to the Church and they were there for a time and had the lights on in the Church. I had the custom of coming down in the evening and checking to see if the doors were locked. On this particular night, I turned on the lights in the sanctuary and immediately there was knocking at the door. The Police wanted to know who was there and was not satisfied until they knew my name. The police are doing a good job.

Mayor Dominic Pisano, 3 Channing Avenue, stated that he has had a business in town for over 40 years. Lived in town over 45 years - at the time when there was one police chief and one part-time officer. We have a beautiful, healthy community and that makes us different than Exton Town Center. It also makes us unique in that we have five churches, a train station, and a fire department. We have our own bank. These are the things that tie us together and make us healthy. If you take away our Police Department, you are cutting off one of our limbs. We will never be able to start up a department again. It would be too costly. Thirteen years ago we wanted to regionalize. Willistown turned us down and we went to East Whiteland. We decided that we wanted to keep our Police Department. Council must do their homework. We stand together. We will suffer if you sell us out.

Council Member McCrory stated that he has been on Council for not quite two and one-half years. He thinks the word homework is perfect. Council is trying to do their homework. He stated that he is not on Council for power or control and the people who serve this Council love this Borough and they are just trying to feel out the right thing to do. Maybe every 13 years we have to revisit our Police Department. How much local government do we really need? The County Commissioners will probably be looking at this issue at some time in the future. Maryland's government is based at the County level. Mr. McCrory stated that now that he lives here, it is a little bit backwards but it is great living here. Mr. McCrory stated that he is the only Council Member who got shot by a pellet gun. The police found the guy. He stated that he is willing to pay more to have a police force. We deliberate these things in the open. We encourage you to come to the public meetings and participate in the deliberations. It does take four of us to carry a vote. Please continue to be a part of this process.

Tom O'Dwyer, 704 Raintree Lane, a Raintree Board member said he was speaking for 200 residents of Raintree. We know our police officers. From 200 residents, please do not disband our police force.

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Tom Burns, 134 Carters Grove, stated that he has lived in the Borough of Malvern for nearly 40 years. He has a couple of questions directed to our governing body. During your inquiry that you are making, are you considering what the back end cost will be when this fails? It seems that more fail than go forward. Spread that cost across the contract period and look at it from that standpoint. That cost should be spread across the five year contract. Is it cheaper to keep our Police Department than pay to have it reinstated? Mr. Burns stated that he would like to see the Malvern website have the ability to post questions from all the residents and then have the questions answered on the website. That way, the residents can see what information is being asked and what information is being provided. Mr. Burns stated that he has heard all kinds of reasons why you are disbanding the Police Department. This would not be happening if what you are doing was on the website. If the County was going to look at all the little municipalities and take them over, they would not be permitted to do that as we live in a commonwealth.

Cindi Currie, 135 Woodland Avenue, stated that she is a single mom with three kids and works fulltime. We had an incident about six months ago where the teenage residents of the borough made death threats on facebook to one of my kids. We called the police. As it turned out, it was someone with a violent criminal history. The police officer came from East Whiteland because it involved the school district. He did nothing. This police department jumped through hoops and the issue goes to trial next month. She stated that she doesn't want to lose that.

Mary Lou Giannone, 26 Karen Drive, stated that 40+ years ago they moved up here. You have no idea if you do away with this Police Department what you are going to have. A lot of these kids from out of town will come in here and cause fights. They will destroy your property. You have not seen anything unless you moved out from the City. You don't need these people to be moving in here by no means.

Richard Kephart, 5 High Street, stated that he considers this to be a nice, peaceful town to live in. What this Council is considering is should we eliminate the coverage we have now, publicize it and let everyone take advantage of this low coverage and do whatever you want. Thinking we should do this. Tell everybody in the County that Malvern is a free place to come in and do whatever you want

Frank Ortner, 144 Griffith Avenue, stated that he has attended many Borough Council meetings in the past. We have had a wonderful relationship with the police force, a wonderful relationship with Borough Council and the Mayor and as far as the Borough Council is concerned, have you considered expanding this exploratory committee to include individuals other than Borough Council members and the Manager to make sure that the business association has some input. It might be appropriate to have some citizens represented as well as residents so that you get input from not only people at large but business owners and other residents not on Borough Council. My wife and I have always had a great experience with the police in the community as well as working with them with the parade, etc. and it has been a good experience over the last 43 years.

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Lee McNamee, 133 Channing Avenue, reported that she has been here 4 years and one of the reasons she moved to the Borough was because she wanted to have that peace of mind. I love that the police drive up the street and are very responsive. Council works for us. You are elected officials. By not responding to your constituents, you may not be at this table following the next election. I ask for a referendum of this issue

Beth MacLaughlin, 216 Kingsbury, stated that she has been a part of the law enforcement community for 30 years. This is the best place in the world to live. 33 years ago they talked about regional policing. That didn't happen. Ms. MacLaughlin stated that she has gotten to know the four police officers professionally. When she looks around, she sees people that she knows. There are harassment issues, domestic issues, there are good guys and bad guys. These four officers know how to deal with the bad guys. They know who the domestics are. You only have two police officers who retired from this police department. You want people who want to stay. The four officers here now want to stay. Ms. MacLaughlin thanked the four guys. She stated that she knows they are all dedicated. They want to stay in Malvern.

Joan Smallwood, St. Patrick's Parish, reported that she is the business manager at St. Pat's. She grew up on Paoli Pike in Willistown Twp. and then moved into General Warren Village. She would like to say that what we have with the Malvern police force you could never duplicate. St. Pat's enrollment is growing. A number of parishioners and parents are in this room. They derive comfort from knowing there is a Police Department right down the street. The Church is a taxpayer in the Borough as well as our employees who are taxpayers.

Tom Kadyszewski, 217 Church Street, stated that he has been a resident for 30+ years. The new development along King St. economically might be good. Now my street has become a crossroads with out of town people. During the rush hour, traffic is going up and down First Avenue and Second Avenue. He has walked along Second Avenue and not a single stop was made by cars. They just go right on through the signs. He knows the police can't be everywhere at the same time but he is talking about two blocks from the station. These are residential streets. I see speed humps on most East-West roads, west of Warren Avenue. We should be trying to minimize the cross traffic through our Borough. They are not using our Borough to shop. The town Council should be able to do something about it.

John Buckley, 165 Church Street, stated that he has been in town 50+ years and has put up with a lot of crap from the Police Department. You voted these people in. They are doing the best they can with the situations they have. Malvern had a lot of trouble in the Police Department. for years but that doesn't get out there in the public. When you have an incident with the Police, the people in the borough should know what is going on. Everything is kept a secret and no one knows about it. I had an incident with the Police on King Street. I walked across the street to take a picture, the police were on the phone and saying the sidewalk is closed for me but.

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anybody else can walk on that sidewalk. Last year I was walking home and by the time I could get in the house, an officer came in and grabbed my arm. He knew me, but asked why I was breaking into that house. You have to go to the meetings. I'm always in court over stupid stuff. It is a waste of taxpayers' money. I've taken my cases to West Chester and was told it was stupid because the case shouldn't be coming in here. That is a waste of taxpayers' money. Police said if you make a deal with us, you can get off. We hear about how the police are always there. My neighbor called the police department when something was stolen out of my yard. The police didn't come. I live on the corner of First and Church. My mom sits on the porch and doesn't see a police officer drive by in 8-10 hours. We have a cop who gives a man a ride home every time he is drunk.

Danielle Whalen, Woodland Avenue, asked if we carry employment practices liability. Ms. Whalen stated that she is an insurance broker. If there is a human resources issue, we should be strong enough to address that issue. We should only have a deductible to address whatever issue we have to worry about. She stated that she has nothing but the most praise for our local cops for knowing who is who and who the crazy people are in the neighborhood. Use our insurance if it is the real issue. If it is a health insurance issue, everyone is paying for it. Maybe we don't have to get rid of all the cops.

John Rossetti, 231 Miner Street, reported that his storm door was damaged and the police didn't find the person who damaged it. All I want is to be reimbursed for the storm door.

Betsy Bury, 33 Crest Avenue, reported that she has lived in the Borough 23 years. With my children growing up here, the police know my children. They are there in the shopping center when I pick my kids up, they are watching the young kids who work late and watch them leave. There is something to be said for a small Police Department. We can go to them off the record. They know who the people are who have issues in the borough and who are good for the borough.

Council President Van Sciver asked Ms. Pettit about the back door deal that she mentioned. Ms. Pettit responded that apparently there is allegedly a back door deal with East Whiteland that the Mayor and Borough Officials entered into. That is the word on the street. Ms. Cook stated that this hasn't been communicated well.

Council President Van Sciver responded that we can only communicate a certain way. Unfortunately, it is very difficult to do it on the website. Bloggers are infected with rhetoric that has nothing to do with facts. They are mostly opinions. Everyone is responsible for the comments they make. It is very difficult to have dialogue with the residents. There is no deal. There is no back door deal, no side agreement.

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With regard to the blog, Ms. Cook stated that if you put on the website exactly what is happening, that would alleviate some of the issues. Council President Van Sciver responded that no decisions have been made, no contracts have been offered. It has been exploratory discussions only. Council will try to respond in a more formal manner.

John Giannone, 26 Karen Drive, asked what is the problem with the Police Department. Is it an issue with money or is it because you have problems with the police.

Council President Van Sciver referred to the March 14th letter that stated Council is exploring police services in order to provide the best police services.

3. 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. Joyce Pettit stated that there are a lot of issues with traffic. The speed bumps are great. Traffic can adjust to what is going on. There are portable snow fences that can be moved around. This would slow traffic. The other concern is dogs on leashes. Too many dog owners are disobeying the leash laws.

Council President Van Sciver responded that we have a traffic calming petition process on the website that can be downloaded.

Mr. Kadyszewski stated that along Second Avenue there are no stop signs. People zip right through Second Avenue. From 7-9am and 4-5:30pm traffic is very bad. They fly down that road.

Council President Van Sciver stated that when a municipality wants to install a stop sign, you have to meet all PennDOT warrants in order for it to be enforceable.

Ms. Pettit stated there are parking issues around the old fire house at the corner of Church St. and Green St. There are No Parking signs on Green St. She would like to see if signs can be posted from the corner of Church and Green and then up to King St. for No Parking. There is parking galore in this area. There is no need for on-street parking.

David Burton, Powelton Avenue, stated that coming up Powelton Avenue from the baseball field, people are still parking on the street. The stop sign on Powelton at Monument, cars are parked close to it but it can't be more than 10-15 feet. It is illegal to park closer than 30 feet. If you looked at that, all it needs is more yellow paint because the sight line is not there at all.

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Ms. Pettit asked if anything was being done about the building at Bridge and King St. She asked how it was legal to be in such disrepair. Council President Van Sciver responded that in Pennsylvania, private property owners have very strong rights. He also stated that a small group met to discuss whether zoning relief was feasible for this parcel in order to get it sold.

Vicki Sharpless, 320 E. Broad Street, stated that it is getting spring again and people will begin walking up to the Wawa. The issue again is getting across Bridge Street. It is a very dangerous thing. She suggested that perhaps a signaled crosswalk could be considered.

Council President Van Sciver responded that with the steep slope coming over the bridge, it is really a tough situation in order to insure pedestrian safety.

Mr. Kadyszewski, 217 Church Street, stated that two crosswalks have come to his attention. The crosswalk at King and Powelton is not handicapped accessible. The last time he took his grandson to this crosswalk, he found that he would have to bypass the crosswalk and go to one of the curb cuts. The other crosswalk goes across Warren Avenue at Burke Park. Even if you look both ways, people come flying down Warren Avenue and don't stop at the crosswalk.

It was reported that a lot of the traffic on Church Street is the Villa Maria girls. If the borough makes it more inconvenient to go through Church Street, they'll look for somewhere else to go.

Mr. Buckley reported that construction vehicles are still being parked at the Church Street lot.

4. APPROVAL OF MINUTES:

A motion was made by Council Vice President Raymond and seconded by Council Member Uzman to approve the minutes of the Regular Meetings held on Tuesday, March 6 and March 20, 2012, as submitted.

Council President Van Sciver stated that on Page 5, the last paragraph, where it states "Council President Van Sciver stated this is in no way going to be a cost savings event" it should read "Council President Van Sciver stated that this is not necessarily going to be a cost saving event" to the Borough.

The motion was amended as stated.

The motion was unanimously approved, as amended, by a vote of 7-0.

5. APPROVAL OF REPORTS:

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works and the Chief

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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 March 2012, as submitted.

6. PUBLIC HEARING – AMEND VEHICLES AND TRAFFIC ORDINANCE:

Council President Van Sciver announced that Borough Council will now open the public hearing to consider an Ordinance amending Chapter 200, Vehicles and Traffic, to correct the description of the intersection of Sugartown Road and Monument Avenue, to permit parking on the north side of King Street between Crest Avenue and Malvern Avenue and to remove the No Parking restriction on the east side of Griffith Avenue.

The Notice of Public Hearing was published in the Daily Local News on April 10, as required.

There being no comments, the public hearing was closed.

7. ORDINANCE NO. 2012-2 – AMENDING CHAPTER 200, VEHICLES AND TRAFFIC:

A motion was made by Council Member McCrory, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to adopt Ordinance No. 2012-2, an Ordinance amending Chapter 200 of the Borough of Malvern Code of Ordinances entitled "Vehicles and Traffic" to correct the description of the intersection of Sugartown Road and Monument Avenue, to permit parking on the north side of King Street between Crest Avenue and Malvern Avenue and to remove the No Parking restriction on the east side of Griffith Avenue.

8. OTHER BUSINESS:

a. Special Events Permit Application – Council Vice President Raymond reported that the Public Safety Committee discussed the Special Events Permit Application form to avoid some of the annoyances that occurred with the Kiss and Makeup Oscar Night Event. The Committee started by using the West Chester form and went through it and came up with our own form for Council's consideration and approval.

Council Member McCrory stated that he felt it was a reasonable start but it should be open to amending in the future as it is being used.

Susan Cook, Highland Avenue, asked what is the threshold for the permit application.

Council Vice President Raymond responded that it is for anyone who wants to close off a street in the Borough.

Council Member McCrory stated that public parks and major thoroughfares that will be blocked off will have to submit the permit. When you are impacting your neighbors, that may not be a big deal but when you are impacting businesses, that must be communicated.

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Council President Van Sciver stated that he thought the business association was going to be part of the vetting process for the permit. We want to insure that all of their members are aware of any street closures.

Legacy events will not require a permit – Victorian Christmas, Malvern Blooms, Fall Festival of the Arts, Memorial Parade.

The Permit Application will be amended to include approval by the Malvern Business & Professional Association.

b. The Manager announced that the 15th Annual CRC Streams Cleanup event will be held on Saturday, May 5th from 9 am to 11:30 am. The local site is Randolph Woods. Volunteers are asked to preregister to reserve a free participant t-shirt! For more information, call the Borough Office or visit our website.

9. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Uzman, seconded by Council Member Macaleer and unanimously carried by a vote of 7-0 to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager