

MINUTES  
PUBLIC HEARING AND  
BROOKHAVEN BOROUGH COUNCIL MEETING  
MONDAY, APRIL 6, 2015  
7:00 PM

Council President, Ben Linowski, called the Public Hearing and Brookhaven Borough Council Meeting to order at 7:00 PM. He led in the Pledge of Allegiance to the American Flag. Mayor Hess read the names of the Borough residents who passed away during the month of March— John Russell, Andrew Nelson, Katherine McLean, Millie Gallo and Doris Thompson.

The record shows that the Public Hearing and Council Meeting were held in Council Chambers at the Brookhaven Municipal Center. The following people were seated at the Council Table: Mr. Camma, Ms. Sawicki, Mrs. Fooks, Mr. Wilwert, Secretary McKinley, Mr. Linowski, Solicitor Maddren, Ms. Leslie, Mrs. Truesdale, Mayor Hess and Engineer Catania.

Mr. Linowski turned the meeting over to Mr. Maddren who said that the Public Hearing was properly advertised in the Delaware County Daily Times. Proof of Publication was provided. He explained the Hearing is necessary to receive public input because the proposed Group Home Ordinance involves the Borough's Zoning Ordinances. This is an Ordinance of the Borough of Brookhaven, Delaware County, Pennsylvania, amending the Borough Zoning Code to establish a definition for Group Home; designate permitted zoning districts; establish provisions for the regulation and operation of group homes; provide criteria for approval by conditional use; provide additional requirements for permit and fees for group homes and provide a savings clause. A Court Stenographer was present and she handled the recording of the Public Hearing. She will provide the Borough with a transcript. No one from the Public or Council had any input to offer and Mr. Maddren suggested Mr. Linowski close the Public Hearing. Mr. Linowski announced that the Public Hearing is closed and the regularly scheduled Council Meeting continued.

Presentations from Council – Mayor Hess, Mr. Linowski and Mr. Kuminka

Mr. Kuminka, Principal of Coebourn Elementary School, explained that the children getting certificates tonight are from the third and fourth grades. They have read many books and achieved their goal of reading one million words. Of the seven children for whom we had certificates, four were present. They were Suhaib Bhatti, Aidan Davis, Meridith Grant and Brooke Jackson. Kahlan DeStefano, Drake Graham and Jenna Jones will receive their certificate at the May Council Meeting.

Mrs. Fooks asked Mr. Kuminka if a date has been set for the Open House at Coebourn Elementary School. He said they are still working on a date. There are some things that have to be finished at the school. Mr. Kuminka will give his report at the May Council Meeting.

Public Discussion

Tom Dykes, 305 West Brookhaven Road, said that back in January he asked about the possibility of the Borough purchasing the remaining Chester Water Authority property. It is now April. Where does

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Council stand on this? Mr. Linowski said that as far as he knows, there has been no determination about the back property. It has been addressed but not in a formal manner. He said he will try to get the information about it. Mr. Dykes suggested forming a committee for this.

Mr. Dykes continued saying that he thinks that there should also be a period of Public Discussion at the end of the meeting like there was in the past. This gives the public an opportunity to address matters that are brought up during the meeting rather than having to wait for another month to do so. Mr. Linowski thanked him for his suggestions.

Vawn Donaway, 3713 John Drive, said it has come to his attention that the Archdiocese of Philadelphia was looking to do something with Our Lady of Charity School. That's where the Holiday Parade steps off from and the Committee would need to know what is happening with the property. Mr. Linowski said that yes, the Archdiocese has been looking into doing something with the property but there have been no discussions about "who, what, when or why". There is no formalization of what, if anything will be done by the Archdiocese. In fact, Father Izzo addressed the issue yesterday morning in the Sunday Church Bulletin. Mr. Donaway said that the 2015 Holiday Parade is going to be dedicated to Law Enforcement. Mr. Donaway confirmed that the next Holiday Parade sponsored Youth Dance is April 17.

Police Chief's Report – Chief McGoldrick was absent.

Fire Chief's Report – Chief Montella

For the month of March, Chief Montella reported the following statistics:

<u>Type</u>	<u>Month</u>		
Fire Incidents	1		
Non-Fire Incidents	13		
Mutual Aid	26		
Drills	6		
Total	46		
<u>Losses</u>			
Structure	\$ 2,000		
Contents	\$ 3,000		
Vehicles	\$ 0		
Loss Total	\$ 5,000		
Property Endangered	\$210,000		
<u>Injury Report</u>			
Firefighter Injury	0		
Firefighter Death	0		
Civilian Injury or Death	0		
<u>Manpower</u>	<u>Calls</u>	<u>Avg. Persons</u>	<u>Hours</u>
Fire	46	18	1,908
Training	6	30	808

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Brookhaven Fire Company responded to the following fires/incidents:

A building fire on Janney Avenue. The fire was contained to the chimney and firebox.

A motor vehicle accident at Discover Chiropractic on Edgmont Avenue where a motorist accidentally drove their vehicle into the side of the building, knocking off the gas meter and causing structural damage. Chief commended the first responders who got the situation under control very quickly.

A motor vehicle accident at the intersection of Bridgewater and Creek Roads with injuries involved.

A motor vehicle accident in the 3200 block of Edgmont Avenue with injuries involved.

A Class I gas leak in front of 121 Virginia Avenue. The homes were monitored for gas inside. Fire Company stood by until PECO secured the leak.

Assisted Nether Providence on a working building fire on Golf View Road.

Assisted Chester Fire Department on a 2<sup>nd</sup> alarm building fire on 12<sup>th</sup> Street

Chief Montella asked everyone to keep in their prayers the family, co-workers and friends of the Darby Police Officer/Fire Fighter who was murdered as well as a firefighter from one of our neighboring municipalities who suddenly passed away a few days ago.

The EMS Statistics for February were 58 transports, 11 refusals, 18 assists for a total of 87. This compares to transport totals – Brookhaven Company 52 54; Media Company 23 3; Rocky Run Company 46 4; Parkside Company 45 0; Middletown Company 50 3; Company 47 4; Wallingford/Nether Providence Company 65 1; Aston Company 17 1; South Middletown Company 51 0; Upland Company 56 2 and Chester Company 100 1.

In March Brookhaven EMS had 51 transports, 8 refusals, 15 assists for a total of 74.

Solicitor's Report – Mr. Maddren

Mr. Maddren recommended a motion to adopt the Ordinance. Ms. Leslie made the motion and Mr. Wilwert the second. Motion carried by unanimous vote. This is Ordinance 782.

Mr. Maddren recommended a motion to adopt the amendment to the Borough Code to allow Public Fire Safety Officials to write tickets. This amendment was properly advertised in the Delaware County Daily Times and Proof of Publication was provided. Mrs. Truesdale made the motion and Mr. Wilwert the second. Motion carried by unanimous vote. This is Ordinance 783.

Mr. Maddren introduced a Resolution of Brookhaven Borough Council, Delaware County, Pennsylvania approving the application of Hartford Properties, LLC for Final Land Development and Subdivision Plan to subdivide the approximately 55-acre site located at the intersection of Edgmont Avenue and

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Coebourn Boulevard (currently consisting of two parcels and owned by the Chester Water Authority) into four (4) lots and to develop the new approximately 25.265 +/- acre parcel as a Unified Shopping Center, the new approximately 5.379 +/- acre parcel as a baseball field and facility and dedicate same to the Borough and the new approximately 5.14 +/- acre parcel to remain as open space and dedicate same to the Borough, and being subject to certain Conditions of Approval. The Resolution lists 22 conditions. In addition to the 22 conditions, a 23<sup>rd</sup> was added—the applicant shall install an additional 12' high fence along the right field line of the baseball field to the satisfaction of the engineer. This will help keep balls from getting into the back yards of the homes on Shepherd Street. Mrs. Truesdale made the motion and Mr. Wilwert the second to adopt the Resolution including the condition of the 12' fence along the right field line of the baseball field to the satisfaction of the engineer. Mr. Maddren said the applicant has agreed to all of the conditions. Motion carried by a 5 to 2 Roll Call Vote as follows: Mr. Camma – No; Mrs. Fooks – Yes; Ms. Leslie – Yes; Ms. Sawicki – No; Mrs. Truesdale – Yes; Mr. Wilwert – Yes; Mr. Linowski – Yes. This is Resolution 2015-03.

There were several Pennsylvania Department of Transportation documents that needed to be approved for the Council President and Borough Secretary to sign. Mr. Maddren explained the documents.

Mr. Wilwert made the motion and Ms. Leslie the second authorizing Borough Officials to sign the PennDOT documents for the Traffic Signal Easement from the developer. This form is necessary to permit the Borough to maintain the traffic signal equipment located outside the Legal Right of Way. Motion carried by unanimous vote.

Mr. Wilwert made the motion and Mrs. Truesdale the second to authorize Borough Officials to sign the PennDOT Traffic Signal Applications Resolution—Traffic signal applications have been provided for each of the modified traffic signals for the Unified Shopping Center Project; however, one Resolution covers all traffic signal applications. Motion carried by unanimous vote.

Mr. Wilwert made the motion and Mrs. Truesdale the second to authorize Borough Officials to sign the PennDOT recording Form and Highway Occupancy Permit Submission Form. These forms are needed for the Applicant to file a Highway Occupancy Permit application with PennDOT for the stormwater facilities to be located in the PennDOT Right of Way. The Applicant and Borough will be co-applicants on this permit for the stormwater facilities. The recording form allows PennDOT to record the permit in the County Courthouse. Motion carried by unanimous vote.

### Minutes Approval

Mrs. Truesdale made the motion and Mrs. Fooks the second to approve the Minutes from the February 23, 2015 Council Workshop. Motion carried by unanimous vote.

Mrs. Truesdale made the motion and Mr. Camma the second to approve the Minutes from the March 2, 2015 Council Meeting. Motion carried unanimously.

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### Mayor's Report – Mayor Hess

Mayor Hess said that at Workshop he presented a check to the Brookhaven Volunteer Fire Company. The check was written by the bride and groom at whose wedding he officiated. Tonight he has a check to present to Ms. Sawicki from another bride and groom who asked that the \$75 check be donated to the Butterfly Garden. Mayor Hess said although he is allowed by Pennsylvania Borough Code to accept compensation for his wedding services, he suggests that a donation be made either to the Brookhaven Volunteer Fire Company, the Butterfly Garden or the Police Vest Fund.

Liaison to Zoning Hearing Board, Chair Finance and Insurance Committee, Chair Long Range Development Committee, Member Civil Service Commission, Chair Condo Association Committee, Member Historical Committee and Member Vacancy Review Committee – Mr. Linowski

Mr. Linowski asked for a motion to approve the Bill List dated 04/06/15 5:18 PM which totals \$93,572.17 for payment. Mr. Wilwert so moved and Ms. Leslie made the second. Motion carried by unanimous vote.

The Zoning Hearing Board will be meeting on April 22 at 7:00 PM to hear the appeal of the Heneghan family, 309 Melvin Drive, seeking relief from the 50' rear yard setback and any other variances necessary to construct 10' addition.

Mr. Linowski announced that the Zoning Hearing Board has changed the day of their meetings to the 4<sup>th</sup> Wednesday of the month at 7:00 PM effective immediately. Mrs. McKinley advertised this change.

Mr. Wilwert made the motion and Mrs. Truesdale the second to authorize Mrs. McKinley to advertise the Condensed 2014 Audit Report in the Delaware County Daily Times. Motion carried unanimously.

Mrs. Truesdale made the motion and Ms. Leslie the second to waive the permit fee for K-Mart's outside Garden Supply Sidewalk/Parking Lot sales from March 9-July 18. Motion carried by unanimous vote.

Mr. Camma made the motion and Mrs. Fooks made the second to waive the permit fee for Smedley Butler Detachment/Marine Corps' Donation Solicitation for hospitalized wounded and disabled veterans on October 10 and 11. Motion carried unanimously.

Mr. Wilwert made the motion and Mrs. Fooks the second to waive the permit fee for the Tall Cedars of Lebanon's donation solicitation for Muscular Dystrophy on June 5 and 6 at Pathmark. Motion carried unanimously.

Mr. Linowski asked for a motion to ratify the purchase of the equipment from Comstar Technologies to upgrade the Council Room Audio System. The cost of the equipment and labor totals \$17,736.21. This purchase is being made via the COSTARS Program so there was no need to go out for bids on this equipment. Mr. Camma made the motion and Mr. Wilwert made the second. Motion carried by unanimous vote.

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### Council Reports

Business and Revitalization Coordinator, Chair Ordinance Committee, Member Condo Association, School Board Liaison, Chair Technology Committee, Member Personnel Committee, Member Finance Committee and Chair and Council Liaison to Grant Committee – Mrs. Fooks

Mrs. Fooks said the Ordinance Committee will meet on April 15 at 6:00 PM.

Mrs. Fooks made the motion and Mrs. Truesdale the second to accept the Resignation of Shannon Skarren from the Ordinance Committee effective 1/1/15. Motion carried by unanimous vote.

Mrs. Fooks made the motion and Ms. Leslie the second to fill the vacancy created by Mrs. Skarren's resignation by appointing Amy Karman to the Ordinance Committee effective tonight. Motion carried by unanimous vote.

The Delaware County SPCA Vaccine & Micro Chipping Clinic will be held in the Borough Gym on April 21 from 4:00-6:00 PM.

Mrs. Fooks complimented Ms. Sawicki on the Prayer Service on Saturday, April 4—the actual 70<sup>th</sup> Anniversary of the Borough. It was excellent.

Chair Arbor/Shade Tree Committee, Liaison to Health Inspectors and Health Officer, Member of Grant Committee, Liaison to Planning Commission and Member Long Range Development Committee – Ms. Sawicki

Ms. Sawicki said that the Prayer Service on Saturday went very smoothly. Mayor Hess opened it by welcoming everyone, Ms. Sawicki gave an interesting history timeline and Jim Skulski talked about his family's history in Brookhaven and prayed for God's continued blessing on the Borough. Everyone stood and sang God Bless America. This was followed by light refreshments. She continued her report speaking about the coming events for the 70<sup>th</sup> Anniversary Celebration—Homemade—not from a box Cake Baking Contest, Sand Castle Contest, USO Victory Dance—all of these occurring on May 30 or 31<sup>st</sup>. She also spoke about the anniversary items for sale at the Borough Office—hats, t-shirts, Sweatshirts and a pewter ornament.

Our Planning Commission met on March 17 to discuss the Retail Sites Final Sub-Division/Land Development Plans. They will meet again on April 21 at 7:30 PM to discuss the Lowes' Plans in the K-Mart end of Plaza 352.

Community Service Workers will be coming on April 19 from 8:15 AM until about 3:00 PM to help dig out old plants, weed, plant new plants and mulch the Butterfly Garden.

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Chair Historical Society, Liaison to Holiday Parade Committee, Traffic Calming/Speed Humps Assignor, Chair Comprehensive Plans, Chair Inspectors and Fire Marshal– Mr. Camma

Mr. Camma said that Mr. Donaway had covered part of his report earlier in the meeting. He said that it takes a lot of volunteers to put the Holiday Parade together. The Holiday Parade Committee will meet at 7:30 PM this Wednesday—April 8. Volunteers are welcome. The 2015 Holiday Parade will be dedicated to Law Enforcement.

Mr. Camma spoke highly about our inspectors. He said they do their job with integrity and work hard. He thanked them for that.

Liaison to Recreation Committee, Chair Personnel Committee, Member Finance Committee, Member Fire Committee and Member Police Committee – Mrs. Truesdale

Mrs. Truesdale read a list of Recreation Committee activities coming up—Psychic Fair on Saturday, April 11, Designer Bag Bingo on April 26, Theatre in the Park on July 24, Family Day on September 26, Golf Outing and Haunted Gingerbread House in October at dates yet to be determined, Murder Mystery Dinner in November, Pictures with Santa on November 28 with the Annual Tree Lighting Ceremony at 6:00 PM that night and Senior Luncheon on December 6.

Chair Emergency Management Administration, Chair Recycling/Trash Committee, Chair Fire Committee, Chair Police Committee and Member Personnel Committee – Ms. Leslie

Electronic Recycling was held on March 7. 3.96 tons of electronics were recycled. The next electronics and paper shredding day will be June 6 from 9:00 AM-1:00 PM here at the Municipal Center.

The purchase of a KME Kovatch Fire/Rescue Truck has been approved. It will take a little more than a year to build.

A thank you phone call was received from a family in Hilltop where Rob Montella and Joe Bynum, our Public Fire Safety Officials, visited for an inspection. The family was thrilled with the scope of service and the professional manner in which the inspection was conducted. The family wanted to say thank you to Council for having implemented this wonderful program.

Ms. Leslie spoke about calling 9.1.1. if there are suspicious circumstances or suspicious/unfamiliar individuals in your neighborhood. When one calls 9.1.1. now they don't answer "what is your emergency". 9.1.1. is not just for emergencies. Report suspicious activities and/or individuals via 9.1.1. wherever you may be.

The Police Committee Meeting scheduled for earlier this evening was cancelled due to an Executive Session of Council being held at 6:00 PM. The Executive Session was held to discuss personnel and/or legal matters.

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Ms. Leslie made the motion and Mrs. Truesdale the second to remove Alfonso Sanbe as Brookhaven Borough Zoning Officer. Motion carried by a 5-1 Roll Call Vote as follows: Mr. Camma – No; Mrs. Fooks – Yes; Ms. Leslie – Yes; Ms. Sawicki – Yes; Mrs. Truesdale – Yes, Mr. Wilwert – Yes; Mr. Linowski – Yes. This is effective immediately.

Ms. Leslie made the motion and Mrs. Truesdale the second to appoint Alex Rodriguez as Brookhaven Borough Zoning Officer. Motion carried by a 5-1 Roll Call Vote as follows: Mr. Camma – No; Mrs. Fooks – Yes; Ms. Leslie – Yes; Ms. Sawicki – Yes; Mrs. Truesdale – Yes, Mr. Wilwert – Yes; Mr. Linowski – Yes. This is effective immediately.

Ms. Leslie made the motion and Mrs. Truesdale the second to remove Nick Sanbe as Brookhaven Borough Building Inspector. Motion carried by a 5-1 Roll Call Vote as follows: Mr. Camma – No; Mrs. Fooks – Yes; Ms. Leslie – Yes; Ms. Sawicki – Yes; Mrs. Truesdale – Yes, Mr. Wilwert – Yes; Mr. Linowski – Yes. This is effective immediately.

Ms. Leslie made the motion and Mrs. Truesdale the second to appoint Catania Engineering Associates Interim Brookhaven Borough Building Inspector. Motion carried by a 5-1 Roll Call Vote as follows: Mr. Camma – No; Mrs. Fooks – Yes; Ms. Leslie – Yes; Ms. Sawicki – Yes; Mrs. Truesdale – Yes, Mr. Wilwert – Yes; Mr. Linowski – Yes. This is effective immediately.

Chair Public Works Department, Co-Chair Inspectors and Fire Marshal, Member Fire Committee, Deputy Emergency Management, Chair Building/Rental Committee, Member Grant Committee and Member Police Committee – Mr. Wilwert

Mr. Wilwert said that the Public Works employees worked five snow and ice events.

They filled potholes and have used over six tons of cold patch so far this year to do this.

An Eyewash Station was installed by them at our wastewater treatment plant.

They repaired a yard hydrant and broken water line in the wastewater treatment plant.

The first branch chipping period this year has been completed.

They turned the water back on at the Memorial Park building. They had to cut out blacktop to get the front door of the building open because the ground had frozen this winter, water got under the blacktop, and the frozen water caused the blacktop to push up.

There were two sewer calls—one was the homeowner's problem and one was cleared with the plunger.

The two pumps at Sampson Park's retention pond have failed. We are continuing to pump the pond down with gasoline pumps until we can get into the pump pit to check the sump pumps and repair them.

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Routine service and repair has begun on all grass cutting equipment.

New sound equipment has been installed in the Council Room.

Town Watch continues to patrol and assists with the youth dances sponsored by the Holiday Parade Committee.

### Engineer's Report – Mr. Catania

Mr. Catania opened the 3 bids for the 2015 Road Program. The first bid opened was from A. F. Damon, Inc., Upland, PA. Included with the bid was a 10% Bid Bond. Their bid was \$306,500.00. The second bid opened was from Innovative Construction Services, Inc., Folcroft, PA. Included with the bid was a 10% Bid Bond. Their bid was \$267,750.00. The third bid opened was from Jos. E. Sucher & sons, Inc., Eddystone, PA. Included with the bid was a 10% Bid Bond. Their bid was \$254,775.00. The bids will be tabulated by Catania Engineering. Mrs. Truesdale made the motion and Mrs. Fooks the second saying the bid will be awarded to the lowest responsible bidder subject to the review of the engineer and solicitor. Motion carried by unanimous vote.

In other matters, Catania Engineering reviewed the revised plans for the proposed unified shopping center on the Chester Water Authority's property.

Reported there was a mixer failure at the Brookhaven Wastewater Treatment Plant.

Reported that the water line froze at the meter pit causing no water to get to the Public works Garage.

Applications for the DCNR Park Development Grant are due April 16. Mrs. Truesdale made the motion and Mrs. Fooks the second to adopt the Resolution necessary to be filed with this grant application.

The Melvin Drive and North Gray Street storm drainage improvements matter was tabled until next month. The Phase 2 estimate is \$47,500.

Mr. Camma asked about abandoned or empty properties. Mr. Linowski said Mrs. Warfield handles those situations with the realtors and/or property owners.

### Inspectors' Reports

Board of Health – Mrs. Warfield and/or Mr. R. Grant had no report.

Code Enforcement, Electrical, Plumbing and Mechanical – Messrs. J. and R. Grant

Mr. Jon Grant reported he went to County Court about a car that was up on blocks. The case was thrown out because the judge didn't feel our definition was good.

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The subject of permits for soliciting door to door in the Borough was discussed. Some people think we should get background checks on the individuals who will be going door to door. Mrs. McKinley said the Police Department is given a copy of the individuals' drivers license along with a copy of the permit. Solicitor Maddren said that we would have to amend the ordinance to include this. A man in the audience who did not identify himself shouted out that we might be violating someone's Constitutional Rights. Mr. Maddren will look into the Constitutional Rights issue too.

Fire Marshal – Mr. Leslie is out of town. Will give his report at the next meeting.

With no other business to come before Council, Mr. Wilwert made the motion and Mrs. Truesdale the second to adjourn. Motion carried by unanimous vote.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary