

MINUTES
BROOKHAVEN BOROUGH COUNCIL
WORKSHOP
APRIL 25, 2016

Council President, John Wilwert, called the regularly scheduled Workshop Session of Brookhaven Borough Council to order at 7:00 PM. The meeting was held in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Brookhaven, PA 19015

Mr. Wilwert led in the Pledge of Allegiance to the American Flag.

The record shows the following people seated from my right to left at the Council Table: Ms. Sawicki, Mr. Linowski, Mr. Wilwert, Solicitor Maddren, Mayor Hess, Ms. Leslie, Mr. Donaway and Engineer Catania. Mrs. Fooks was absent because of a meeting at school and Mr. LaPera arrived at 8:00 PM because of a sports team commitment.

Presentations to Council

Mr. Wilwert said that Patrick Burns from Shop-Rite in Plaza 352 was present to give an update on their store. Mr. Burns stepped up to the podium and said he had with him Jeff Sullins the General Contractor from Lynmar Builders, Gregory Peil, Managing Director from Bridge Development Group, Ernest Angelos from the law firm of Raffaele Puppio as well as their architect and another gentleman. Mr. Burns said they will be “skimming” the whole front of the store. New sidewalks will be installed. The existing door will be for the food court. When you enter the store you will be in the Produce Department. He showed the color schemes that will be used. Ms. Sawicki asked if they were gutting the whole inside. Mr. Burns said yes. Mr. Donaway if they had done any work there. Mr. Burns said they have done all of the demolition and asbestos removal. Mayor Hess asked when they will be opening. Mr. Burns said the estimated date of opening is mid-August. He also asked about the parking lot at the Shop-Rite end of the shopping center. Mr. Burns said Eric Wolf, the shopping center owner, will mill and overlay it. Will there be additional lighting? Mr. Wolf will upgrade it to match what will be going in on the other end. Mr. Wilwert asked about the ugly electric box. That will be removed as will the ugly sign too. Harry Seth, 3633 North Clearwater Lane, asked if one can shop from home. Mr. Burns said yes, there will be home delivery. Mr. Wilwert asked what the store hours will be. Mr. Burns said 6:00 AM until midnight but maybe 24 hours. Mike Ruggieri from 112 East Garrison Road asked if there was going to be liquor served or purchased. Mr. Burns said they will be having a Pub as well as take out beer. Beer sales will be from 11:00 AM until 11:00 PM Monday through Saturday and 12:00 Noon until 11:00 PM on Sunday. Christine Raftovich from 190 East Garrison asked if Mr. Burns would consider giving the area a more “home town look”. Mr. Burns said the final product will look similar to what Lowes is doing. She also spoke about the existing ugly sign. Mike Ruggieri asked if Shop-Rite is expanding all the way down into the former Chinese Restaurant. Yes. Mrs. Warfield from the Board of Health asked if Shop-Rite is going to address the hill coming into the shopping center. Mr. Burns said Lowes is going to take it out and the slope will not be as steep. Mrs. Warfield said the area is not being maintained and that needs to be addressed.

Mr. Wilwert asked the representatives from Commerce Energy, aka Just Energy, to come forward. Kristina Montgomery from their Regulatory Administration Department stepped up to the podium and a gentleman in a dark suit came and sat in the front row of seats. The record shows that Commerce Energy had a Permit to solicit door to door from March 29 through April 30 and the permit was rescinded because one of their employees made unauthorized enrollments. She thanked Council for the opportunity to explain the corrective action taken with one of their employees who had made unauthorized enrollments in their product. All of the residents involved were contacted by Commerce Energy and the contracts cancelled. The cancellation period has been extended for 30 days but it appears everything that was done without the residents’ permission has been cancelled. She distributed a double-sided paper that fully described the companies, their history, the products

they offer, Business Conduct, Environmental Leadership, Corporate Social Responsibility, Delivering Sales Excellence, Sustaining Customer Satisfaction and the address of their offices. Their employees get a base pay plus commissions. All have identification badges with their photograph on it and each salesperson is equipped with an I-Pad. State and Local Regulations must be followed. Ms. Montgomery said they will try to work with the Borough in the future. Mayor Hess asked what kind of training their salespeople receive. She said each one is subject to a background check and they are brought into the office for training for a week. When they first go out to make sales calls, another more experienced salesperson is with them. They have daily training meetings before they go out for the day. Mayor Hess said they are aggressive and people will not open their door because of it. Complaints are logged. Mr. Linowski asked “how come all of this happened? Ms. Montgomery said he would have to talk to the individual that was terminated. She said Commerce Energy takes it very seriously. Mike Ruggieri from 112 East Garrison Road said he had an unpleasant experience with a solicitor who was going door to door. Solicitor did have identification. Mr. Ruggieri said he has already chosen his energy supplier and did not want to make any changes. He feels that” face to face marketing” should not be allowed. He said he is sick and tired of being inconvenienced. Christine Raftovich, 190 East Garrison Road asked how long it takes to resolve problems. What do the utility companies supply these salespeople with? Ms. Montgomery said that PECO will supply names and addresses. She said if one does not want this information given out you must asked to be put on PECO’s Eligible Customer List. Mr. Wilwert asked Ms. Montgomery what she and her associate were here for tonight. She said for the opportunity for Commerce Energy/Just Energy to come back into the Borough to solicit in the future. Mayor Hess asked for how long was the person who broke the rules with the company. She said 4 months. Ms. Leslie asked how many solicitors from the company were in the area. Mrs. McKinley said 6. Their photo identification information was in our Police Department as well as a copy of the permit. Mr. Wilwert said Council appreciates them coming tonight. This is the first time a door to door sales company has come to Council to mend a problem.

Public Discussion

Harry Seth, 3633 North Clearwater Lane asked about the trees that had fallen on private property in various areas of the Borough, e.g. Creek Road, Bridgewater Road when the June 23 storm caused severe damage in the Borough. Mr. Wilwert said he realizes it is unsightly but there is nothing the Borough can do about that. Mr. Maddren said he had spoken to the property owner and thought the owner was going to clean up the area. Mr. Maddren will try to get them out there. Mr. Wilwert said in the past we have notified some property owners—some on West Brookhaven Road—about the dangerous condition of trees on their property letting them know that should the trees fall it is the responsibility of the property owner to remove them. If the Borough is forced to do it or have a contractor do it the property owner will be billed. If the bill is not paid a lien will be placed on the property. We have already had to place a lien on a property on School Lane.

Valerie Tenaglia, 148 Meadowbrook Lane, said she had come before Council in February about the duplexes and triplexes on Meadowbrook Lane. She asked for an update. She said nothing has been done by the Borough. Mr. Maddren said that rental inspections have been done. He will get a list of what citations have been answered. He will set a time to sit down with Ms. Tenaglia and Ms. Costello (146 Meadowbrook Lane). Ms. Tenaglia said that 155 Meadowbrook Lane moved someone in over the weekend—3 unrelated people with the same name but” none of them look alike”. Their neighbor “Paul” noticed the dumping in the creek. There are 8 cars from 155 Meadowbrook Lane. This is causing parking and other problems. Mr. Maddren said the Rental Inspection Ordinance was the tool the Borough used to get into the properties. When we were not allowed in, citations were issued. Mr. Maddren continued saying he hasn’t seen the result of those inspections. Other citations can be issued for property maintenance violations. Mr. Maddren’s colleague is going to prosecute the offenders. Mr. Maddren and Mr. Wilwert said it is unfair for her to come tonight and say nothing was done. Ms. Tanaglia asked “what are you going to do when the third tenant is thrown out”? Mr. Maddren said he does not want to discuss legal strategy in public. It is going to be a challenge. Mr. Wilwert told Ms. Tanaglia that he

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does not think “Council is blowing you off”. Ms. Tanaglia said “we are working on it too” and she would like answers by June 1. She spoke about open burning 159 Meadowbrook Lane where residents sit around high flaming fires at night. Fire Chief Montella said that they responded to a call for a fire on the Borough’s wooded property behind Meadowbrook Lane. When they arrived they found someone burning a couch. The person burning was given a citation by the Police Department for violating the Borough’s No Open Burning Ordinance.

Solicitor’s Report – Mr. Maddren

Mr. Maddren gave a brief summary of the existing trash/recycling contract. This contract expires on December 31, 2016. He said that because complaints must be properly recorded, all complaints must come through the Borough Office. This is vital. Messrs. Maddren and Catania will be working on the bid specifications and what services and/or rules that should be included in the specifications. The availability of the specifications and bid opening date will be advertised in late summer or early fall. Mr. Linowski confirmed that the Borough still has to take the lowest responsible bidder.

Mayor’s Report – Mayor Hess had no report.

Council Reports

Chair Arbor/Shade Tree Committee, Liaison to Health Inspectors and Health Officer, Member of Grant Committee, Liaison to Planning Commission, Member Long Range Development Committee and Member Fire Committee – Ms. Sawicki will give her report at the May 2 Council Meeting.

Chair Finance and Insurance Committee, Chair Long Range Development, Member Fire Committee, Member Civil Service Commission and Chair Condo Association Committee – Mr. Linowski will ask for approval of the bills at the Council Meeting on May 2.

Chair Emergency Management Administration, Chair Recycling/Trash Committee, Chair Fire Committee and Chair Police Committee – Ms. Leslie will give her report on May 2.

Chair Public Works and Buildings, Liaison to Holiday Parade Committee, Chair Comprehensive Plans, Member Traffic Calming Committee and Member Police Committee – Mr. Donaway

Mr. Donaway said that the 2016 Street Paving Program has begun. They are ahead of schedule.

He said that Mr. Catania is working on a package to pave the Borough Municipal Center.

Mr. Donaway spoke about contractors who have worked in the Borough and have damaged the street where they were working. Can we make them responsible to restore the street they have damaged? For example, a resident has a new driveway apron installed and in the process the contractor damages the street in front of it. How far back can we go when the street starts breaking up? When utility companies come in they are required to restore the street to its original condition. Why can’t other contractors be required to do the same? Mr. Maddren said he would look into this question.

Mr. Donaway said that Mr. Swayngim has replaced some speakers in the Municipal Center. He’s doing a good job.

Mr. Donaway asked Mayor Hess if he wants signs for no overnight parking in Eaton Park. Mayor Hess said yes.

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The fence on our lot on Meadowbrook Lane has been fixed.

County has been contacted for help with the Butterfly Garden on May 15.

The residents at 405 Camelot Drive have complained about the trash in their yard from the park and trash in the park as well. They have asked the Borough to erect a fence with a gate. This would cost \$2,236. Another alternative would be to plant bushes. Mr. Linowski said we would have 6" on the other side of a fence which would cause grass cutting difficulties. Mr. Linowski said let's do the bushes. A fence is too much money. Mrs. McKinley said she was at Garzia Park a couple of weeks ago and the only piece of trash in the whole park was an empty juice bottle which she put into the trash can.

Mr. Donaway announced that the 2016 Holiday Parade will be dedicated to Firefighters and EMT's.

Notice to Bidders was published in the Delaware County Daily Times for One 1995 Ford F 350 with 4 wheel drive. Said truck has been driven 119,459.9 miles and has no snow plow. This vehicle is being sold as is.

One new OASE Pump with mini floating fountain ½ horsepower 110 volts plus one 110 volt 200 foot cable.

There were no bids received on the OASE Pump and one bid on the 1995 Ford F 350. That bid was from Mark's Motors, 3115 Rt. 79 S., Maple Shade, NJ 08052. The bid was \$415.00 and was accompanied by a business check 1788 drawn on TD Bank for the full amount of the bid. Ms. Sawicki made the motion and Mr. Donaway the second to accept the bid on the condition that the above named check clears. Motion carried by unanimous vote. Ms. Sawicki asked if we can use the fountain anywhere. Mr. Wilwert said we can't. It was originally purchased for the retention basin in Sampson Park but there isn't always water in it and the pump can't be used there for that reason. The pump is worth approximately \$4,000. Mr. Maddren will check to see what we may be able to do with it. Maybe donate it somewhere.

Liaison to Zoning Hearing Board, Liaison to Recreation Committee, Member Grant Committee, Member Long Range Development, Member Condo Association – Mr. LaPera

Mr. LaPera apologized for being late. He was at a sports event and the bus that was picking him and the team up was late.

He said he is working with the people from the State to get grant funding for Eaton Park.

Mr. LaPera asked if the Borough could get No Smoking Signs installed in all of the Borough's parks. There are people smoking near the children. We already have Young Lungs at Play signs but they don't say no smoking. Mr. LaPera will talk to Gary Thompson about this.

Business and Revitalization Coordinator, Chair Ordinance Committee, Member Condo Association, School Board Liaison, Chair Technology Committee, Chair Grant Committee and Member Police Committee – Mrs. Fooks was attending a meeting at Sun Valley High School.

Engineer's Report – Mr. Catania

Mr. Catania said he has received no other information on the Middletown Township Sewer Authority's new sewer line since his last update.

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The contracts with Innovative Construction Services for the 2016 Street Resurfacing Program have been executed. Work is tentatively scheduled to begin the week of April 11 and it is estimated it will take 2 weeks to complete.

Erosion and sediment control facilities have been completed, Giant's pad site grading is nearing completion and storm and sanitary sewer work has begun at the Shoppes at Brookhaven. Catania Engineering is making periodic site inspections.

The Delaware Valley Regional Planning Commission's LED Street Light Conversion progress report showed the preliminary audit by DVRPC consultant is finished. It is a \$180,000 project with an 8 year payback period. Council decided to proceed with the commitment to continue in the program.

The street lateral problem that has caused a sinkhole at 101 Bradbury Road has been corrected.

Good progress is being made at the North Gray and Melvin Drive Drainage improvement site.

Stream bank erosion issues at Trimble Run Condominiums, Ohev Shalom Cemetery and 316 East Brookhaven Road are being addressed by the property owners with guidance and recommendations from the Delaware County Conservation District.

Inspectors' Reports

Board of Health – Mrs. Warfield

Mrs. Warfield said that 123 East Brookhaven Road has placed 3 temporary sheds on their property. Mr. Hampton called them temporary garages. The owner goes out and collects junk and stores it in these temporary facilities. Right now there is a refrigerator with the door still on it and a washer. Mr. Maddren asked if the property owner was hoarding this material. He said we can probably get an administrative warrant to get on the property. The property is zoned R-2. Zoning Officer Hampton or Code Enforcement Officer J. Grant can write a letter to the homeowner.

L A Fitness that will be in the Shoppes at Brookhaven wants to know if the Borough wants a lifeguard on duty or a sign that would say "Swim at Your Own Risk". Mr. Donaway asked what the Borough's legal liability in making the decision. Mr. Maddren said he doesn't think we can have an insurance liability. They need to work it into the plan. There are 3 lanes in the pool and the pool is 4' deep. A member of the audience said we should check with the County and the State Health Department. Fire Chief Montella recommended having a lifeguard on duty because a child was saved by a lifeguard at the Brookhaven Swim Club. There was also a drowning incident at Camelot Court Apartments where the outcome was not as good. After more discussion it was decided to tell L A Fitness to get a lifeguard.

Mrs. Fooks asked if Mr. Softee has gotten his license. Mrs. McKinley said he has come in, filled out the application and gave his certificate of insurance. Since it does not become effective until May 31, Mrs. McKinley asked him to come back around the 25th of May to pay his \$1,000. The permit will expire on Labor Day.

No other inspectors had reports nor did Fire Marshal Leslie.

Chair Inspectors and Fire Marshal, Deputy Emergency Management Coordinator, Chair Traffic Calming, Member Technology Committee and Member Historical Society Committee – Mr. Wilwert had no report.

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Public Discussion

Tom Dykes, 305 West Brookhaven Road said he was in Memorial Park watching his grandson's ball game. There were people there smoking at the ballfields as well as at the little playground. There people there with dogs too. He would like signs for no smoking and no dogs put in the park. He recommended that the police do spot checks. Mr. LaPera said it is also the coaches' responsibility to let parents, guardians and other spectators know there is a no smoking and no dogs allowed rule.

With no other business to come before Council, Mr. Linowski made the motion and Mr. LaPera the second to adjourn. Motion carried unanimously.

Respectfully Submitted,

Mary Ellen McKinley
Borough Secretary