

**MINUTES**  
**BROOKHAVEN BOROUGH WORKSHOP MEETING**  
**MONDAY, APRIL 27, 2020**

At 7:00 PM Council President Terry Heller called the regularly scheduled Brookhaven Borough Council Meeting to Order. Mr. Heller led in the Pledge of Allegiance to the American Flag.

The record shows the meeting was held by Virtual Teleconference and the following people participated in the meeting by Zoom: Council President Mr. Heller, Councilpersons Ms. Sawicki, Mrs. Heller, Mr. Vazquez, Mrs. Fooks, Ms. Leslie, Mayor Hess, Mr. Pappas, Engineer Mr. Catania and Solicitor Mr. Wills. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

**PUBLIC DISCUSSION**

There was none.

**POLICE CHIEF REPORT – CHIEF KURTEN**

Chief Kurten reported that we are continuing our modified shifts. All of our officers have their protective masks and their other equipment to keep them safe with their interaction with the public.

**SOLICITOR’S REPORT – MR. JAY WILLS**

Mr. Wills reported the following:

3607 Victor Avenue – This is a residential property that is in violation of the Maintenance Code. We filed a petition for a Preliminary Injunction but unfortunately now the Courts are closed. We are scheduled for a hearing for a petition of Preliminary Injunction on June 18, 2020. Mr. Wills will keep the Council apprised of this and hopefully the Commonwealth Courts will then be opened.

The next item on the agenda is the Resolution for extending the deadline for filing and paying of Borough Earned Income and Business Privilege Taxes. Mr. Wills said that the Council had discussed this before and the consensus was to do this. A Motion should be made adopting that Resolution this evening. Ms. Sawicki questioned if we can vote at a Workshop Meeting. Mr. Wills responded that the law has been changed under the Pennsylvania Emergency Services Code. Those former types of formalities are now thrown to the wayside. We can now take actionable items at the Workshop and can vote upon it and it will be binding. Ms. Sawicki said that she appreciates Mr. Wills explaining this so the public would know that it can be done. Mr. Wills asked for a Motion extending the payment of both the EIT and the Borough Privilege Tax until July 15, 2020. Ms. Sawicki made the motion and it was seconded by Mr. Vazquez. The motion was unanimous. Ms. Sawicki asked Mr. Wills for a copy of the guidelines for Emergency Declarations in the COVID-19 Pandemic.

Mr. Wills said that Brookhaven Council met in Executive Session on April 23, 2020 and adopted another Resolution expressing concerns about the proposed actions regarding the Chester Water Authority. The resolution urged Governor Wolf to commit to Chester Water Authority's continued existence as an independent municipal water authority, to protect public access to the Octorara Reservoir, and to advocate for the best interest of the over 200,000 Chester Water Authority ratepayers. Governor Wolf made a Declaration of Fiscal Emergency in the city of Chester. This was highlighted in the Delaware County Daily Times last week. In abundance of concern of many Delaware County Officials as a result of the fiscal crunch that Chester is experiencing, they may be permitted to sell or liquidate the Chester Water Authority to a Third-Party Entity even though whether Chester owns the assets of the Chester Water Authority are in litigation to the Delaware County Board of Common Pleas. Brookhaven Council passed the Emergency Resolution on April 23, 2020 but since this is a public meeting, Mr. Wills asked for a Motion to ratify that Resolution, Ms. Sawicki made the motion and it was seconded by Mrs. Heller. The motion was unanimous.

Mr. Wills said that he advised Borough Council one week ago that Governor Wolf signed specific legislation that permitted and authorized that meetings can be televised, such as we are having here this evening. That legislation not only permits Borough Council to meet by televised communication but all meetings such as Planning and Zoning and other Municipal Government Entities to meet by telecommunication.

Brookhaven Green Development - That is the planned 55 and over development off of Edgmont Avenue. Mr. Wills said that he gave the developer a very long and comprehensive list of items that he is going to be required to complete in a sequential order so we can get off on the right foot for the development and to make sure that the "i's" are dotted and the "t's" are crossed.

The next item is Brookhaven Storage. They made a Subdivision and Land Application that was filed with the Borough in February, 2020. Mr. Wills got in touch with the developer and will make his reviews. Mr. Wills was in touch with the developer today (April 6, 2020) and the developer assured Mr. Wills that the checks for the application fees are in the mail to us. We will eventually have them come before the Brookhaven Planning Commission for a meeting to review that application. Mr. Wills said that because of the Emergency Declaration, the timelines necessary to act on this particular subdivision has been extended and he will inform the developer of this.

The next item concerns the Subdivision and Land Development Fee Schedules that are presently on the books here in Brookhaven. Mr. Wills said that he has spoken to Mr. Catania, (Borough Engineer) about this and they are both in the consensus that the application fees and the escrow fees should cover the costs that the Borough incurs for these applications. Mr. Wills said that when a developer comes into the Borough and files a Subdivision application, the Borough incurs fees and costs – there are Professional fees, Administrative fees, public hearings, advertising in the papers for public hearings, etc.

The Pennsylvania Planning Municipality Code states that these fees should not come from the citizens of the Borough and they should be covered by the developer. The costs should not come from the taxpayers but from the developer. Mr. Wills and Mr. Catania are suggesting to have a modified fee schedule and asked Council members to give it some consideration and we can act upon it at the May 4, 2020 Council Meeting. Ms. Sawicki asked about the fees; in the past we thought that our fees were the same as other Boroughs. Mr. Wills responded that Brookhaven is lower with these fees and we are covering the extra costs and it is coming out of General Funds. Mr. Wills stated that the developer should cover all the costs and not the taxpayers. Ms. Sawicki thanked Mr. Wills and Mr. Catania for discussing this and for recommending to adjust the fees. Mr. Wills said that the fees have been on the books for some time and he suggested that we should do a comprehensive review of all the fees in the Borough. The fee schedule should be commensurate with the fees; the law states that the fees cannot be solely for generating revenue but should cover all costs incurred by the Borough.

Mr. Wills said that Mr. Heller asked him to draft and prepare additional furlough letters to the Crossing Guards. They will be notified this week either by email or first-class mail.

#### FIRE CHIEF – ROBERT MONTELLA

Chief Montella reported that the Fire Company is doing well and our people are staying healthy during the COVID-19 Pandemic. We have had 46 EMS emergencies since April 19, 2020 and we transported 19 confirmed COVID-19 patients to the hospital. Of those 19 confirmed, three or four were from our Borough. We have been running a lot of mutual aids with other towns that have sick people in facilities and have to be taken to the hospital. Other towns are backing Brookhaven up on second and third emergencies. Chief Montella said that regarding PPA, we are constantly chasing down and looking for more supplies. We are in pretty good shape and stable for the foreseeable future. We have been deconning the police and fire company vehicles once or twice a week with a good spray down; it is essentially a fine mist that goes into the vehicles. Mr. Heller commented that the number of COVID-19 cases in Brookhaven went from 10 to 23 overnight. We have no way of knowing if it was from data entry lag or if it includes parts of Chester Township with a 19015 zip code. Chief Montella said that it should not be counted for Brookhaven; Chester Township does their own count. Chief Montella said that some people are doing self-quarantine but then their doctor wants them to go to the hospital when they are six to seven days into it. Mr. Heller asked Chief Montella if we are starting to level off in the County. Chief Montella feels we have not leveled off yet. We had 12 ambulance calls yesterday; Sundays seem to be busy days. Of the 12 calls, two were COVID-19. Most of the hospitals are open and not overwhelmed. Many of the COVID-19 cases are coming from institutions. Mr. Heller said that 95% of the COVID-19 deaths were related to long term nursing facilities or institutions. Mr. Heller said that he ordered masks today for the Police and Fire Department. Chief Montella said that he appreciated that; they do have enough masks as of now but they may need them. It was suggested to keep the masks in a central location in Borough Hall so that they would be available for Borough employees who needed them or the Police and Fire Departments.

MAYOR’S REPORT

Mayor Hess read the following proclamation:

**A PROCLAMATION  
BELLS ACROSS PENNSYLVANIA DAY  
MAY 3, 2020**

**Whereas**, on March 6, 2020, Governor Tom Wolf proclaimed the existence of a disaster emergency in response to the COVID-19 pandemic, ultimately requiring all Pennsylvania residents to shelter in place; and

**Whereas**, despite all of the efforts of state, county and municipal governments to mitigate the effects of this pandemic, to date, over 37,000 Pennsylvanians have been afflicted with COVID-19 and more than 1500 Pennsylvanians have died from it; and

**Whereas**, in every municipality, there have been emergency medical personnel, firefighters, police officers, and employees of grocery stores, pharmacies and other life-sustaining businesses who have braved the viral elements, at the expense of themselves and their families, to maintain essential services to the general public sheltering in place and are deserving of recognition as “hometown heroes”; and

**Whereas**, elected officials across the Commonwealth have joined together to promote a statewide expression of *gratitude* to these hometown heroes, *solidarity* with other Pennsylvanians on the frontlines of the COVID-19 battlefield and *determination* that their municipal businesses and civic-life will thrive once again; and

**Whereas**, since days of the American Revolution, the bell has served as an instrument for expressing communal gratitude, camaraderie and resolve, and is a means well-suited for Pennsylvanians sheltering in place to demonstrate such values.

**Now, therefore**, Mayor Hess in concert with Brookhaven Borough Council hereby proclaims

**Sunday, May 3, 2020 as**

**Bells Across Pennsylvania Day**

and calls upon all residents and churches at 7:00 p.m. for three minutes to honor their hometown heroes; rally with other Pennsylvanians on the frontlines of the COVID-19 battlefield and show resolve to restore their local businesses and civic life to their former prominence.

A motion to accept this Proclamation was made by Ms. Sawicki and it was seconded by Mr. Vazquez. The motion was unanimous.

Mayor Hess asked that this Proclamation be posted on the Borough website. He would like all of the residents of Brookhaven to come out of their homes at 7 pm on May 3, 2020 and clap their hands in appreciation for our home town heroes for their services during this Pandemic. They truly deserve the recognition.

Mayor Hess wanted to mention the Pennsylvania Primary Election that is coming up on June 2, 2020. Many of the polling places will be closed; the Brookhaven Municipal Building will be closed until at least June 1, 2020. With this being said, Mayor Hess said that everyone can vote by mail. To obtain the information, go on line to [votespa.com](http://votespa.com) to apply for the ballot. It only takes a few minutes to apply for the ballot and then the County will send out the ballot along with a self-addressed envelope. The deadline to vote by mail is May 26, 2020.

PRESIDENT PRO-TEM, CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND INSURANCE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLANS, MEMBER FIRE COMMITTEE AND MEMBER GRANT COMMITTEE – MS. SAWICKI

Ms. Sawicki said that Council has a copy of the bills that are going out this week. She will have a list of the bills for the May Council Meeting and will have a report at that meeting.

VICE PRESIDENT OF COUNCIL, CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, MEMBER FIRE COMMITTEE, CO-CHAIR VETERANS' COMMITTEE, AND MEMBER POLICE COMMITTEE – MS. LESLIE

Ms. Leslie asked Chief Montella that in regards to the Mayor's request for the bells, can we sound the fire alarm on Sunday night. Chief Montella said that they can; Mayor Hess responded that he did not ask for the siren to be sounded so we would be able to hear all the residents clapping their hands for the three minutes. It was decided that the fire siren would just start it off. Mayor Hess said that he is hoping that Our Lady of Charity Church would be able to ring their church bells at that time also. Ms. Leslie said she would have a full report at the May Council Meeting and she thanked the Police and Fire Department for all they are doing.

MEMBER CONDO ASSOCIATION COMMITTEE, PLANNING COMMISSION LIAISON, MEMBER PERSONNEL COMMITTEE, COUNCIL LIAISON TO CIVIL SERVICE COMMISSION, MEMBER POLICE COMMITTEE, MEMBER PUBLIC WORKS COMMITTEE, CO-LIAISON TO ZONING – MR. PAPPAS

Mr. Pappas had no report but he wanted to thank both the Police Chief and the Fire Chief for working so hard.

MEMBER PERSONNEL COMMITTEE, MEMBER BUSINESS REVITALIZATION COMMITTEE, MEMBER EMERGENCY MANAGEMENT COMMITTEE, HOLIDAY PARADE COMMITTEE, MEMBER POLICE COMMITTEE AND MEMBER RECREATION BOARD AND MEMBER TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. HELLER

Mrs. Heller had no report but she wanted to thank the local businesses and the Police and Fire Department for keeping us safe.

BUSINESS AND REVITALIZATION COORDINATOR, MEMBER FINANCE AND ADMINISTRATION, MEMBER GRANT COMMITTEE, MEMBER HOLIDAY PARADE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLAN COMMITTEE, ORDINANCE COMMITTEE, MEMBER RECREATION BOARD, SCHOOL BOARD LIAISON, MEMBER CONDO, TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. FOOKS

Mrs. Fooks reported the following:

There was no Ordinance Meeting in April; there will possibly be a meeting in May by ZOOM to talk about the Welcome Package we have been working on and also about the Animal Ordinance.

The Recreation Board has cancelled the May Concert. We hope to still have the other dates on the calendar. Please check Facebook page and website for updates.

The Providence Animal Center Vaccination Chip was scheduled for May 19, 2020 and as of now we are unsure if it will take place. Mr. Heller said that the Gym will not be open in May; he said all Gym rentals are in jeopardy right now. Mrs. Fooks will try to get this rescheduled in the Fall.

FINANCE AND INSURANCE COMMITTEE, PUBLIC WORKS COMMITTEE AND LIAISON TO ZONING HEARING BOARD – MR. VAZQUEZ

Mr. Vazquez said that Public Works had a few emergency repairs. We have been backed-up since March. The two inlets in front of McDonald's were replaced. The Budget Committee had its first meeting last week and it was very successful. We are making sure that we are being financially responsible for our taxpayers and not overspending at a time when we might not have the income coming into the Borough. Zoning did not meet. Mr. Vazquez will have a full report at the May Council Meeting.

ENGINEER'S REPORT – MR. CATANIA

Mr. Catania reported the following:

~ The Dunkin Donuts site has gotten through much of their hurdles that they need and Mr. Catania will have a recommendation to approve escrow for public improvements for that at the May Council Meeting.

~ Freddy's is asking for a release of their escrow and Mr. Catania will have a recommendation for that at the May Council Meeting.

We have four projects on the back burner until we understand where we sit with the budget.

- ~ Whitely Road culvert is in need of replacement.
- ~ 4112 N. Gray Street has a stormwater with a sinkhole next to it.
- ~ Sanitary Sewers
- ~ 2020 Street Resurfacing

Mr. Vazquez asked if we could possibly split the Street Resurfacing into two phases. Mr. Catania said we can. He had just sent out an email detailing that and broke the project into two phases – both will be about \$140,000-\$150,000 which was what was budgeted. We also have the Shepherd Street drainage project and we need to figure out how we are going to finance it. Mrs. Heller asked if there is any streets that are high priority for repaving. Mr. Catania said that no streets stand out more than any other. Mr. Heller said that people have complained that Swiftwater Lane has not been paved in over 20 years. Mr. Catania will look into this.

Ms. Sawicki asked Mr. Catania a question about the Garguile Bills. Ms. Sawicki said that she needs the bill to be divided into ordinary street work and sewer work. She does not want to take the entire \$29,000 bill out of Sewer Fund unless the work was for all Sewers. She just needs the bill to be clarified whether it should come out of General Fund or Sewer Fund.

PRESIDENT OF COUNCIL, CHAIRMAN BOARD OF HEALTH, CHAIRMAN BUILDING COMMITTEE, MEMBER BUSINESS REVITALIZATION COMMITTEE, MEMBER GRANT COMMITTEE, HISTORICAL COMMITTEE, MEMBER LONG TERM COMPREHENSIVE PLAN COMMITTEE, MEMBER POLICE COMMITTEE AND MEMBER PUBLIC WORKS COMMITTEE – MR. HELLER

Mr. Heller said that Council met in an Executive Session on April 23, 2020 from 7:00 to 7:15 PM to adopt a resolution to express our support for the Chester Water Authority.

Council met in an Executive Session on April 18, 2020 from 2:00 to 2:30 PM to adopt a resolution to extend the deadline for payment for the EIT and Mercantile taxes to July 15, 2020.

Council met in an Executive Session on April 22, 2020 from 7:00 to 7:30 PM with the Budget Committee to go over any potential budget shortfalls related to COVID-19 and we plan to meet again on May 6, 2020.

Mr. Heller said that he has reached out to Council in the last several days as to how we will be bring the Staff back from the furloughs and we all agreed that we generally need a seven day decline in new COVID-19 cases in Delaware County before we can reconsider reopening. As of now our target date is June 1, 2020. Mr. Heller wanted to thank Mrs. McDade and Mr. Cople for stepping up and helping out in the office.

Mr. Heller said he has been getting questions about hall rentals. He said that as far as he is concerned, hall rentals would be down for one year barring any kind of breakthrough of a vaccine. He said that even if the COVID-19 numbers dissipate and it goes away in the summer, we can have a second wave in the Fall. We will constantly revisit this. All of our indoor sports are in jeopardy. Baseball and Softball might be a little different since they are outside. We will have to have a cut-off date as to when they can start. Mr. Heller is looking into this.

Mr. Heller wanted to thank Chief Kurten and Chief Montella for all their work.

#### INSPECTORS' REPORTS

##### FIRE MARSHAL – MR. LESLIE

Mr. Leslie had no report.

##### BOARD OF HEALTH –

There was no report.

##### ZONING OFFICER – MR. HAMPTON

There was no report

#### PUBLIC DISCUSSION

Mrs. McGovern, Susan Lane, said that she also was wondering why Brookhaven went from 10 to 23 cases overnight. She said that the other day the number of cases that were unidentified in the County were over 1,000 and now it is down to 100. Her thought on why the numbers have increased is because the cases have now been identified. Mr. Heller agreed and said that since we have 8,000 residents we know the numbers will not stay at 9 or 10 in Brookhaven. He said the reason for the increase could also be because of data entry lag. Mrs. McGovern said that she knows because of privacy laws, we cannot identify who has the virus but are we doing any contact tracing. Mr. Heller said that if there is a medical emergency to their homes, Chief Kurten and Chief Montella will be notified by dispatch. Mr. Heller said that this is not public information to know who has contacted the virus because of privacy laws. Mr. Heller said that people usually recover from the virus in three weeks; we have not had any deaths in Brookhaven from the virus.

Mr. Dykes, W. Brookhaven Road, said that the May Concert Series would be cancelled. He asked Mr. Catania about the N. Gray Street sewer problem. Mr. Dykes saw work being done and was wondering if it was just patch work or something scheduled. Mr. Catania said that the sewer line starts at Christian Academy and goes to Brookhaven Road. Mr. Catania said that the work has been done in multiple phases for budget concerns. The work that was just done was for ordinary maintenance that has to be done for older systems.

Mayor Hess reminded everyone again to be outside of your homes on Sunday at 7 pm and clap your hands and take your pots and pans also.

Mrs. Fooks reminded everyone about the Blue Angels and Thunderbirds flyover on April 28, 2020 in the afternoon.

ADJOURMENT

There was no other business to come before Council. Mr. Pappas made the motion and Mrs. Heller made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 7:52 pm.

Respectfully Submitted,

Mrs. Joan Boyle  
Brookhaven Planning Commission Secretary