

**MINUTES**  
**BROOKHAVEN BOROUGH WORKSHOP MEETING**  
**MONDAY, AUGUST 24, 2020**

At 7:00 PM Council President Terry Heller called the regularly scheduled Brookhaven Borough Council Workshop 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: Mayor Hess, Council President Mr. Heller, Councilpersons Ms. Sawicki, Mrs. Heller, Ms. Leslie, Mr. Pappas, Mr. Vazquez, Engineer Mr. Catania, Solicitor Mr. Wills and Office Manager, Mr. Wilwert. Councilwoman Mrs. Fooks was not present. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

**MAYOR'S REPORT**

Mayor Hess asked for a moment of silence for John Fooks who passed away on Saturday, August 22<sup>nd</sup>. John is the husband of Councilwoman Donna Fooks.

Mayor Hess said that he did not have a report but what he had to say would be very difficult and emotional for him. Mayor Hess said that he and his wife, along with their children, have had many conversations trying to look at the next chapter of their lives. He said that in life there are many difficult decisions to be made and this was one of them. With that being said, effective on Wednesday, September 30, 2020, Mayor Hess said that he would be vacating his position as Mayor of Brookhaven and retire to a 55 and older community with a little less house, only one floor and a lot less stress in general. Mayor Hess said he had to thank our former Mayor, Ralph Garzia. A few years ago, Mr. Garzia, who was a realtor, showed Mayor Hess his present home and told him that he should get involved in the community. Mayor Hess said he trusted Mr. Garzia who was his friend, his mentor and everyone's hero. He was a legend and an icon in Brookhaven and Mayor Hess said that he could only hope that he was half as good a Mayor as Mr. Garzia was. Mayor Hess said that three months after settlement, he was coaching baseball, softball and basketball and continued about fifteen years. From that point on, he became involved with the Brookhaven Recreation Committee and continues to be involved 40 years later, even to this day. Mayor Hess said he was pleased to say he was Co-Founder of Brookhaven Family Day, the Senior Holiday Luncheons, the youth dances, the Halloween Haunted Houses and many other recreational activities. Mayor Hess said that it has always been about the kids and the seniors and he will truly miss not being a part of those events with the great volunteers who helped him put on these events. For the past 27 years, Mayor Hess has served the Borough of Brookhaven; he served on Brookhaven Council for 15 years and as the Mayor of Brookhaven for the past 12 years. Mayor Hess said that he can honestly say that he has enjoyed every single day. He said that it has truly been an honor and pleasure serving the good residents of Brookhaven. Mayor Hess said that he loves Brookhaven. He has always said that our residents are our greatest resources and what makes Brookhaven a great town. Mayor Hess said, "I will miss you all". He will continue his Mayoral duties until September 30, 2020. Mayor Hess said that he would like to wish whomever the newly appointed Mayor may be, and all of the Council members, continued success in moving Brookhaven to the next level. Mayor Hess said that he hopes his tenure on Council and as Mayor has made a difference and helped to grow the community. He said he gives him much sadness and a heavy heart to say goodbye to Brookhaven and the town that he loves, with all of the many friends that he has made over the years which he will always cherish.

Those relationships are priceless. Mayor Hess said that it has been an honor to serve these past 27 years and Brookhaven will always have a special place in his heart. Mayor Hess said that he would be remiss if he didn't "tip his hat" to the Brookhaven Police and Fire Departments. He has had the pleasure of working with these two departments for over 20 years. They do not get the recognition they deserve. Mayor Hess asked for everyone to please support them and just say "thank you" when you see them. The life they save someday could be yours; they are truly our hometown heroes. Mayor Hess thanked everyone for their support over the years and wished all the good residents of Brookhaven much peace, much happiness and good health. He said that he hopes our paths will cross again some day and in closing he said, "May God Bless all of you and May God Bless Brookhaven". Mr. Heller asked the Council if they wanted to add to the discussion. The following were comments from the Councilpersons: Ms. Leslie wished him well in the next chapter of his life and said that both he and his wife, Jeanne, are great people; Ms. Sawicki thanked him for his years of service and said that he has made the Borough better and that Ralph would be very proud of him; Mrs. Heller wished him the best; Mr. Vazquez wished him the best of luck and Mr. Pappas said that as serving below him for many years on the Police Department, he thanked him for his many years of service and all that he has done for the Police Department. Mr. Heller thanked Mayor Hess for all he has done.

**PUBLIC DISCUSSION.**

There was none.

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

Mr. Wills reported the following:

Brookhaven Glen Development – This is a 55 and over Community off of Edgmont Avenue with 84 units that has been previously approved by Borough Council. Mr. Wills spoke with the developer late this afternoon and he has advised Mr. Wills that he will be executing in the very near future the Developer's Agreement, the Improvement Security Agreement, the Agreement regarding the Escrow and the Payment for Professional Fees. Mr. Wills said that he expects to have those agreements as well as the Public Improvement estimates secured with Brookhaven Council sometime in early September. Mr. Wills said that the Developer will be coming in for Building Permits and Construction Permits sometime after Labor Day.

Arbor Development Sub Division Plan – This is the Sub Division Application off of Zoar Street. Mr. Wills received a letter about a week ago from the Attorney for the Developer requesting an indefinite extension of time requirement for the Borough to render a decision on the Sub Division Application. Mr. Wills said that in the interim, the Developer has made an application with the Zoning Hearing Board requesting minimum lot area and dimensional relief. There is a Zoning Hearing Board Meeting scheduled for September 8, 2020. Assuming the Developer gets the appropriate relief from the Zoning Hearing Board, Mr. Wills said that he would expect the Brookhaven Planning Commission would meet in October to review this application and provide recommendations to Borough Council on this Sub Division Application and it will probably come before Borough Council at their November Council Meeting for approval.

Pando Property Development – This is for a request for partial release of escrow for completion of certain public improvements. Those improvements have been reviewed by the Borough Engineer's Office and Mr. Wills has prepared a Resolution for Borough Council's consideration to authorize an escrow release in the amount of \$44,440.

Mr. Wills will ask for a motion to approve this at the September Council Meeting on September 14, 2020. Mr. Wills said that he and the Borough Engineer concur with the release of the escrow.

Verizon Cellular Communication Tower off of Bridgewater Road – Mr. Wills said that we have an existing lease with Verizon for this particular cell tower. Verizon has recently approached the Borough with regard to making some recommendations for a revision to this lease. Mr. Wills has reviewed the present lease between the Borough and Verizon and he has drafted certain recommendations to Borough Council and based on the feedback and review that he has received, Mr. Wills will be in touch with the people from Verizon and communicate Brookhaven Borough Council's wishes. At this point they wish to continue the lease with terms and conditions of the existing lease but Borough Council wishes to extend the lease.

Ms. Sawicki said that she and the previous Solicitor had been discussing the Cell Tower and she is going to review the papers and discuss it with Mr. Wills. She said that she was trying to get more money for the Borough from the lease and it seems like they want to give us less money. Mr. Wills said that we would be getting less money rather than more money. Ms. Sawicki said that Verizon will have to reimburse us for the taxes we have to pay.

Present Zoning Board Application On File – Mr. Wills has recently reviewed the present Zoning Hearing Board Application that is currently on file with the Borough. This is a truncated application that is rather dated and is a one page application that Mr. Wills does not feel is appropriate with the present day conditions in the Borough. Mr. Wills has prepared a new Zoning Hearing Board Application with construction materials and a new amended Fee Schedule that is in line with other municipalities in Delaware County. Mr. Wills has prepared a Resolution for Borough Council's consideration at the September Council Meeting. This would amend the Fee Schedule and Mr. Wills would recommend that Council adopt this new Resolution for Applications to the Zoning Hearing Board. Mr. Vazquez said that he spoke with Mr. Hampton today about the new proposed Fee Schedule and he feels that some of the fees are too high. Mr. Wills said that we have a Fee Schedule of \$350 for a Residential Application and it will be bumped up to \$500 with the new Fee Schedule. The Commercial Application is \$500 and will be bumped up to \$750. Mr. Wills has reviewed many of the other Fee Schedules in Delaware County and he feels that the new Fee Schedule is right in line with the other municipalities that are near Brookhaven, including Parkside and Upland.

Mr. Heller said that we have an Executive Session planned for early next week and we can add the Proposed Fee Schedule to the agenda.

Mr. Heller said that he wanted to report progress on the Victor Avenue property. Mr. Heller said that he understands that the neighboring properties are generally satisfied with the condition of the property. Mr. Wills said that the Court Order does not expire and Mr. Heller said we will keep a close eye on the property. The cleanup went well and we are getting good cooperation from the resident of the property. Mr. Heller told Mr. Wills that he appreciates his work on the property and that the neighbors appreciate what has been done.

Mr. Wills said that he has had the pleasure and opportunity to work with Mayor Hess during the past eight months and with a lot of issues with the Police Department. Mr. Wills said that the Mayor is very professional and very well-schooled and well educated with regard to the police matters in the Borough. He said that Mayor Hess will be well missed as he moves on to the 55 and over community.

Mr. Wills said that he “wishes Mayor Hess and his wife best wishes and good health as you move on to the next phase and challenge in your life”. Mayor Hess thanked Mr. Wills for the kind words.

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 reported that the Police Committee needs to meet during the next week to discuss the contract matters for the Police Department.

Ms. Leslie wanted to congratulate Charles Leslie’s son, Charles, for the 2019 Firefighter Award For the Year. Congratulations also to Lt. Robert W. Montella and Joe Bynum for receiving the 2019 Chief’s Awards. They were unable to have their banquet this year but we want to congratulate them for their hard work.

Ms. Leslie said that Councilwoman Donna Fooks asked her to read when her husband’s services will be: Her husband John Fooks passed away on Saturday and his Visitation will be Friday, August 28 from 9:30 to 11:15 am at the Minshall Shropshire-Bleyler Funeral Home. Funeral Service will be at 11:30 am at the Funeral Home. Interment immediately following at SS. Peter and Paul Cemetery.

Ms. Leslie wanted to thank the Fire Department, the Police Department, our Emergency Management and our Public Works for the great job they did during the two storms we had during the week of August 9, 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 reported that the MMO (Minimum Municipal Obligation) for the 2021 Budget is in the Council’s packets for their review. There is one form for Police Pension and one form for Non Uniform Pension. Ms. Sawicki said that she is advising Council that we will do a motion at September’s Council Meeting. The Minimum Obligation for the Police Pension is \$320,196 for next year’s budget and the Non Uniform Pension for our road crew and other people who are on the pension, including office workers, is \$28,162. This is what our share will be for next year and this was advised by our Auditors of what we have to pay.

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.

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

Mr. Vazquez reported that there will be a Zoning Hearing Board Meeting on September 8, 2020 at 7 pm to discuss the Zoar Street issue.

Mr. Vazquez said that Mr. Hampton reported there were 50 permits issued this year to date and that he had 102 telephone calls for the month of July.

Mr. Vazquez said that Public Works did a great job during the two storms in August, along with the Fire Department and the Police Department. He thanked them for their work in keeping everything together. We had a Whitely Road storm sewer issue during the storms. Mr. Vazquez said he would give his full report during the September Council Meeting.

Mr. Vazquez asked Mr. Catania about the Charles Avenue Grant – do we have a scope of work and a timeline set out yet? Mr. Catania said he will ask for authorization at the September Council for the Council to execute the Grant Agreement for Charles Avenue. It should be at a minimum about three months before we can move forward, so we are probably looking at early 2021 for the project to begin. Ms. Sawicki said it was always anticipated that it would be done in the cold months.

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 reported that the following:

Technology Committee (Mrs. Fooks, Mr. Vazquez, Mr. Wilwert and Mrs. Heller) met on August 13, 2020 via Zoom with representatives from E-Code. We will have more to discuss at the September Council Meeting.

The Parade Committee met on August 19, 2020. More information will be forthcoming at the September Council Meeting.

Mrs. Heller wanted to personally thank Mr. Catania, Fire Chief Montella, Safety Officer Joe Bynum, Inspector Bob Grant and Public Works for all the help they provided for the major sinkhole and the PECO pole that was located behind the property of 5005 Edgmont Avenue. It went on for a long time and they did a great job.

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 was not present so there was no report.

ENGINEER’S REPORT – MR. CATANIA

Mr. Catania reported the following:

~ The Street, Sewer and Street Maintenance Contracts are expiring later this year. We had a bid through an on-line bidding service. We received four bids and we will have a recommendation at the September Council Meeting for that contract.

~ Whiteley Road – there was failure in the pipe underneath the basin of the Plaza 352 Shopping Center. This led to a failure to the storm pipe under Whitely Road. We are in the process of getting necessary paperwork to have that repaired. We had to file a permit with the State to make an emergency repair because it is close to a stream.

~ The Borough received funding from the damage from the Mariner East Pipeline Project. We were in contact with the DEP to see if they would be willing to change the scope of the Grant to allow use of that funding to repair the Whitely Road culvert. The Grant was around \$125,000 and we are in the process of putting together an estimate for that. The issue for that is that if we can transfer the Grant money, there are issues attached. It shouldn't be a great problem.

~ The Street Resurfacing Contract should start the first week of September.

~ There was a sinkhole at 4340 Marianne Drive on the side of the house. Some of this problem is that the homeowner installed storm drains and some of this problem is the Borough ran pipes along the property line. We are going to ask for authorization to repair the Borough's portion of this work.

~ Act 537 – This is for the sale of the DELCORA sewer assets to Aqua. The Planning Commission held a meeting on August 18, 2020 and it was briefly discussed. The questions were brought up and will be submitted to DELCORA. Mr. Catania said that he will recommend that Borough Council will hold off on this until we get those questions answered by DELCORA or Aqua.

~ Track Signal Maintenance Contract – This is set to expire at the end of this year. There is an option for another year renewal. We will decide at the September Council Meeting whether we should exercise to renew the Contract or authorize for a new Contract.

~ PennDOT Master Casting - This is a standard agreement for PennDOT to do work on a state highway. It allows for the Borough manholes to be coordinated with the PennDOT manholes. We will ask for authorization for that agreement. Ms. Sawicki said it is usually listed as a Resolution as a Form Resolution.

**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 wanted to thank the Fire Department, the Police Department and Public Works for their work during the recent storms. Mr. Heller said he was on Creek Road during the second storm and it was pretty scary to see water rising that quickly at that rate of speed. Great work by all involved; they worked the entire weekend.

**INSPECTORS' REPORTS**

**FIRE CHIEF – MR. MONTELLA**

There was no report.

**FIRE MARSHAL – MR. LESLIE**

Mr. Leslie said we had a house fire on Sunday morning. The quick response of the Fire Department got the people out of the building and it was extinguished quickly.

**BOARD OF HEALTH –**

There was no report.

**ZONING OFFICER – MR. HAMPTON**

The report was given by Mr. Vazquez.

**PUBLIC DISCUSSION**

There was none.

**ADJOURMENT**

There was no other business to come before Council. Mr. Vazquez made the motion and Ms. Leslie made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 7:33 pm.

Respectfully Submitted,

Mrs. Joan Boyle  
Brookhaven Planning Commission Secretary