

MINUTES  
BROOKHAVEN BOROUGH COUNCIL MEETING  
MONDAY, FEBRUARY 27, 2012  
7:00 PM

Mr. McCray, Council President, called the meeting to order at 7:00 PM. The meeting was held in Council Chambers at the Brookhaven Municipal Center.

The record shows the following people on time and seated at the Council Table: (from my right to left): Ms. Leslie, Mr. Wilwert, Mrs. Fooks, Mr. Linowski, Mrs. McKinley, Mr. McCray, Mr. Maddren from Maddren Law Office, Ms. Truesdale, Mayor Hess, Mrs. Erickson and Charles Catania, Jr., from Catania Engineering Associates.

PUBLIC DISCUSSION – None

SOLICITOR'S REPORT – Mr. Maddren

Mr. Maddren at the March 5, Council Meeting he would be recommending that Council approve the lease with the Chester Water Authority for the ball field subject to his final approval of the lease. Chester Water Authority has not approved it yet but it is anticipated they will in March.

The amendment for the Hackett/McCray room swap is ready to be executed and it should be ready for Council approval at the March 5 meeting.

Mr. Maddren said he will be requesting permission to advertise the proposed Loitering Ordinance and also an Ordinance setting forth penalties for parking during a snow event.

He continued his report by updating Council on the status of the Boy Scout Trailer Storage Agreement—we are waiting for the Boy Scouts officials to sign it and provide a certificate of insurance to the Borough.

FINANCE COMMITTEE, CO-CHAIR VACANCY REVIEW COMMITTEE, FIRE COMMITTEE, POLICE COMMITTEE CHAIR AND CIVIL SERVICE LIAISON – Mr. Linowski

Mr. Linowski said he would give his report at the March 5 Council Meeting.

MAYOR'S REPORT – Mayor Hess

Mayor Hess reported he swore in a new full-time Police Officer, Benjamin (Ben) Kyler. Mayor Hess said he has invited Officer Kyler and his family to the March 5 Council Meeting.

COUNCIL REPORTS

CHAIR ZONING HERING BOARD, CHAIR COMPREHENSIVE PLANS, CHAIR HOLIDAY PARADE COMMITTEE, CHAIR LONG RANGE DEVELOPMENT, MEMBER POLICE COMMITTEE AND MEMBER FIRE COMMITTEE – Ms. Truesdale

Ms. Truesdale said she will give her report at the March 5 Council Meeting.

CHAIR PUBLIC WORKS, CHAIR BUILDING COMMITTEE, MEMBER FIRE COMMITTEE, DEPUTY EMERGENCY MANAGEMENT AND MEMBER LONG RANGE DEVELOPMENT – Mr. Wilwert will give his report on March 5 at the Council Meeting.

CHAIR VETERANS GROUPS, CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING, CHAIR FIRE COMMITTEE AND MEMBER POLICE COMMITTEE – Ms. Leslie

Ms. Leslie reported the Fire Committee had a meeting on February 16. She provided a copy of the Minutes from that meeting to Chief Montella and others on the Committee. She asked Chief Montella to provide a copy to anyone on the Committee for whom she had no e-mail address. Among other things discussed at the meeting, the Committee discussed the possibility of adopting an ordinance to enable the fire company to bill insurance companies of victims to recover or recoup funds. Other fire companies are doing it to offset costs. She asked our Solicitor, Mike Maddren, to look into this matter. They also discussed the possibility of having two paid fire fighters—in their 15 year plan—which was presented to Council in 2009. There are grants available for this. Right now retired firemen are driving the trucks during the day between 7:00 AM and 3:00 PM. Manpower is not real good during the day. They have a better turnout on calls in the evening or through the night. Mr. Wilwert gave Ms. Leslie an update on other things discussed at the meeting. He said the new opticon has been installed at the intersection of Cambridge Road and Edgmont Avenue and the pre-emption devices are 100% operational. The engineer is contacting PennDOT to see if we can move the stop bar back at Trimble and Edgmont so the fire trucks can make that turn a little better and Higgins electric has been at the intersection of Trimble and Edgmont to inspect the opticon.

Ms. Leslie said it has been brought to her attention that there is a letter circulating about people complaining about the Zumba classes being held in the Community Room. She said Zumba puts money toward the Building Fund and Arbor/Shade Tree Committee. So far \$504 has gone into the Building Fund and \$290 to the Arbor/Shade Tree as of January. They have been told there is too much heat in the room. The heat has been on set at 70-72 degrees. She said Zumba does not need heat and it needs to be turned off. Mr. Wilwert explained that the letter was only sent to 4 people – Cathy, Chuck, Dan and Mike--to check the health issues. He said Borough Engineer, Chuck Catania, issued a memo today saying that their mechanical designer inspected the conditions in the community room as related to the use for Zumba classes. He confirmed with the Climate Master Representative that the two heat pumps servicing the Community Room can be run in cooling mode when the Zumba class is in session. The recommendation is to run the units in cooling mode with the fan continuously running, at least one hour before, during and up to one hour after class. This should reduce or eliminate the humidity and condensation. It is the mechanical designer's recommendation that this method be tested for a few weeks and if the problem persists, he can revisit and recommend further measures that may include modifications to the HVAC system. Ms. Leslie said it seems like every week there is a problem with Zumba. She feels they are being harassed. If the harassment continues she said Zumba will take their classes elsewhere. Ms. Leslie said they have people from 18 years of age to the 70's participating. They would like to see it continue here. Mrs. Fooks said they are bringing the Borough money. Mr. Wilwert said he hoped that everything was not being taken as harassment. When people come in and say that there is a possibility for mold to grow, he has to address that. Mrs. Warfield is not qualified for that. The room is not designed for that situation. That's why the letter was sent. We are trying to get it resolved. Mr. McCray said we haven't had a situation like this before and it is something we will "iron out".

February 27, 2012 Brookhaven Borough Council Workshop

The updated Emergency Operations Plan has been distributed to everyone on Council and the Mayor. Please review it so the necessary resolution to adopt it can be passed at the March 5 Council Meeting.

BUSINESS AND REVITALIZATION CHAIR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, SCHOOL BOARD LIAISON AND LIAISON CLOCK COMMITTEE – Mrs. Fooks

Mrs. Fooks said at the March 5 meeting she would be making a motion to appoint Erica Fooks to the Ordinance Committee. Mr. Wilwert said Erica Fooks is a very nice lady and works hard. The Committee would like to update the ordinance relating to snow and they will be updating the Fee Schedule Ordinance. Mayor Hess asked about the revision to the snow shoveling ordinance. Mrs. Fooks said it should be changed so that sidewalks must be shoveled within 24 hours after the snow stops falling. Responding to a question about the composition of the Ordinance Committee, Mr. Linowski said he was “very choosy” about who he chose for the committee. Speaking about the revisions to the Fee Schedule, Mayor Hess said he feels we should continue to protect our residents and businesses.

CHAIR HEALTH INSPECTOR, CHAIR PLANNING COMMISSION, CHAIR ARBOR/SHADE TREE COMMITTEE, CHAIR TRAFFIC CALMING AND SCHOOL BOARD LIAISON – Mrs. Erickson

Mrs. Erickson said she has gotten information from three municipalities regarding their policy and proper procedure to install temporary speed bumps. She has also checked pricing on them. They are about \$1,600 each. The police will have to give the OK and decide where the speed bumps can be placed.

Baseball and softball management and volunteers are taking a food safety class. It will be on March 20 in the evening from 6:00-9:00 here at the municipal center.

A home-based business in the “presidents’ streets area” was discussed. This is a business that will be hiring nurses. This business will be run from a home where we have already had problems and people are complaining.

Mrs. Erickson says it appears winter is over and the grass will be growing again, pool covers have water on top of them and other health/insect related issues will be arising. Among other things, she said make sure the pool covers are drained, swimming pools drained properly and grass is kept within the under 6” limit in the ordinance.

The Brookhaven Planning Commission will be meeting at 7:00 PM on March 21.

ENGINEER’S REPORT – Mr. Catania

Mr. Catania said that the main overhead lights and perimeter lights in the gym are being reviewed for energy efficiency. He has received quotations for changing out the lights. He feels that LED lights are the best choice. Energy efficiency is the bottom line. He will be recommending Council make a decision at the March 5 Council Meeting.

## Minutes February 27, 2012 Brookhaven Borough Council Workshop

Mr. Catania continued his report by saying on March 5, he will be recommending that Council authorize him to prepare and properly advertise bid specifications for 5 more HVAC units—4 for the administration area and 1 for the kitchen. He may also be asking for permission to prepare bid specifications and advertise for the 2012 resurfacing program.

There has been a sanitary sewer problem in the street in front of 331 West Brookhaven Road. An emergency repair had to be done. He will be asking for ratification of this repair on March 5.

Mr. Catania said the ventilation problem in the Community Room was discussed earlier this evening.

A month or so ago, Mr. Scarino came to Council asking for a progress report on the drainage problem at the intersection of Melvin Drive and North Gray. Mr. Catania said he has prepared a drainage study for Council's review. He gave it to Mrs. McKinley tonight. Mrs. McKinley will make copies and distribute it to Council.

### INSPECTORS' REPORTS

EMERGENCY MANAGEMENT – Mr. Cornog said Ms. Leslie gave his report except that there will be an Emergency Management Committee meeting on February 29 at 6:45 PM.

FIRE MARSHAL – Mr. Leslie said he had no report this evening.

### BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield said that the exterminator who has been treating the Club House in Memorial Park said a door sweep is needed on the outside door so rodents can not get in.

Mrs. Warfield spoke about homes on which there are foreclosures and homes that have been abandoned. She always contacts the banks in charge to maintain them. In the past our attorney handled liens that we placed on the properties. Does Council still want to handle the situation in the same manner? Both Messrs. McCray and Linowski said yes, Mr. Maddren will handle the liens.

### PRESIDENT'S REPORT – Mr. McCray

Mr. McCray discussed with Mr. Linowski the need for current photo identification badges. Prices were obtained from IDVille. The Borough would like to purchase the equipment to do these badges. Mr. Linowski said it was a necessary expense and authorized the purchase of the equipment. Mr. Cornog will take care of placing the order.

### PUBLIC DISCUSSION

Chief Montella asked what the "green stuff" was going to our wastewater treatment plant today. Mr. Wilwert said it was biodegradable dye. We were testing the line. Everything is safe.

Ms. Leslie spoke about an e-mail received by Zumba from Mr. Swayngim saying they could not use the building for classes from March 1 through March 31. This was short notice. Dawn Jones 409 Cambridge Road spoke saying for the past 10 years there has been an Invitational Basketball Tournament that runs the entire month of March. This Thursday, it will start with the 8 and 10 year

old boys' teams. The Community Room is used for the visiting teams and for eating. She explained the basketball program and said she does not want to be questioned about the use of the rooms. She should not have to be at this meeting to address this. She said that Zumba is running a business from the Borough. She asked Mrs. Fooks if she had received \$2 for each participant in the Zumba Class. If there were 50 people participating, that's \$100 per hour. Mrs. Fooks said she and the other instructor each get \$2 per person. She mentioned she has Zumba expenses to pay. The Borough gets the other \$1. Mrs. Jones said she has never been offered a paid position to run basketball. She said she would never dare to take money for each child who participates in the program nor would any of the others affiliated with other sports programs using the Borough's facilities. All money goes back into the program. They work hard and also have fund raisers to help keep expenses down for the participants. The ethical aspect of the Mrs. Fooks compensation from the \$5 per person charge for the Zumba Class was discussed. Mr. Maddren said this was not an ethics issue. Mrs. Fooks spoke about the lack of communication too. The Zumba Class schedule was discussed. It started with classes on Monday and Thursday evenings from 7:00 – 8:00 PM and then it was expanded to include Saturday mornings. Bill Jones from 409 Cambridge Road said he has heard about threatening phone calls and has also heard that Mr. Swayngim is concerned about his job. Mr. Wilwert said that if anyone has a problem with Mr. Swayngim, they are to come to him. Mr. Swayngim does a good job. Ms. Truesdale said no one is threatening Mr. Swayngim's job. Mr. McCray said Mr. Swayngim isn't going to lose his job. The subject of providing a certificate of insurance from all sports groups who use the Borough's facilities, whether it is the Municipal Center or ball fields in parks, the leased property we have on the Chester Water Authority property was brought up by Mrs. Jones. This insurance costs Basketball about \$1,800 a year. Other coaches present at the meeting said what their insurance cost. Did Zumba have to provide a certificate of insurance? Mrs. Fooks said she has her own liability insurance. Zumba did not provide a certificate. Mr. McCray said he would like to get people together for a meeting. Mr. Wilwert asked to be included in the meeting.

Kevin Durkin, representing Brookhaven Girls Softball, spoke about having lights installed on the Sampson Field. They are looking to fund this project themselves. What time should the lights be turned off at night? Mr. McCray said the Borough should determine this and it was suggested 9:00 PM. Mr. Linowski asked who is going to pay the electric bill. Mr. Garvey said they are looking into tying in to the street lights at Sampson but he did not know who would pay the extra for the new lighting. Someone in the audience said Brookhaven Athletic Association will also assist them too. Mayor Hess said the Borough has to realize all of the work that has been done to the fields by the groups that use them. It's all been at their own expense. If it means a couple dollars more for electricity, the Mayor said he's all for it. Mayor Hess asked Mr. Durkin to submit a plan to Mr. Catania.

Ms. Leslie said last year Girls Softball wanted to recycle cans. She asked Mr. LaPera if they still want the containers in which to put the recycling. He said yes, 75% of their waste is recyclable.

There was no more business to come before Council and the meeting was adjourned.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary