

MINUTES  
FEBRUARY 4, 2019  
BROOKHAVEN BOROUGH COUNCIL MEETING

At 7:00 PM Council President, Vawn Donaway, called the regularly scheduled meeting of Brookhaven Borough Council to Order. 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 January—Veronica Henderson, Rose Croumbley (Dawn Jones' Mother) Christopher Costello and Joseph Platt. A moment of silence was held in their memory.

The record shows all members of Council except Ms. Leslie who is sick with the flu were seated at the Council Table. Also seated at the Council Table were Solicitor Stone, Engineer Mulvena and Secretary McKinley.

**PUBLIC DISCUSSION**

Betty Kelley, 132 Creekside Drive said her best lady friend is on hospice fighting for her life. Her friend has sent with Mrs. Kelly 3 \$1,000 checks—1 for the Fire Department, 1 for the Police Department and 1 for the Ambulance Service. Chief Montella accepted for the Fire Department and Ambulance Service and Mayor Hess accepted for the Police Department. Mayor Hess asked Mrs. Kelley to pass along everyone's thanks to her sick friend. Mayor Hess also asked everyone to keep her in their prayers.

The resident from 6709 Hilltop Drive offered a suggestion for electric car charging stations. He suggested Brookhaven Shopping Center and the Municipal Center. He said there may also be grants available and we should check that out. Mr. Heller said he is familiar with these charging stations. Mr. Donaway put the information provided in Mr. Heller's good hands.

Chief Montella said there is a section of road at West Brookhaven Road and Edgmont Avenue that needs to be patched.

**BROOKHAVEN BUSINESS & PROFESSIONAL ASSN. REPORT** – Mr. Sredenschek from Bryn Mawr Trust Bank was absent.

**SCHOOL BOARD REPORT** – Mrs. Ford

Mrs. Ford said Coebourn Elementary School is excited to announce twelve more students who have read at least one million words since the start of the school year. She congratulated those who have read one million words so far this school year. Everyone at Coebourn is very proud of those children for choosing to "Embrace the Challenge" by setting a reading goal of one million words and working toward that goal to achieve it. Brookhaven Borough Council is also proud of the effort the million word readers have demonstrated in achieving their goal and would like to honor the following six students:  
Lucas Habich 1,002,420 words, Robert Neuman 1,012,694 words, Emily Cahill 1,154,063 words,  
Andrew DiPasquale 1,572,206 words, Arielle Mims 1,827,452 words and Owen Gallagher 2,271,327 words.

The Pennsylvania Music Educators Association (PMEA) District 12 Band Fest is held each year. PMEA District 12 includes Chester, Delaware and Philadelphia Counties. PMEA is an affiliate of the nearly 80,000 member National Association for Music Education (NAME). PMEA is a service organization to music education in the Commonwealth. PMEA is a service organization to music education in the Commonwealth. The membership includes those engaged in music instruction at all levels, from preschool through college. Students from across the country are selected by their instrumental teacher each year to participate in this prestigious concert. Typically only one to three students per elementary school are selected. These talented student musicians practice all year with their band teacher to learn music that will be performed at the concert.

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On the day of the concert, students from around the country come together to practice for the first time and then that evening perform for family, friends and the community. It is quite an honor to be selected as a Band Fest participant. This year the Delaware County PMEA Band Fest was held at Ridley High School on January 24, 2019. "Congratulations to our Coebourn Elementary PMEA Band Fest representative: Lucas Habich!"

Mrs. Ford said follow Coebourn Elementary School on twitter@CoebournES to receive daily updates of school events.

### FIRE CHIEF'S REPORT - Chief Montella

Chief Montella reported the following statistics for the month of January 2019:

4 Fire Incidents, 21 Non-Fire Incidents, 24 Mutual Aids and 4 Drills for a total of 54. The Loss Report shows there was no loss to structures, \$13,000 loss of contents, no vehicle losses for a total of \$13,000. A total of \$240,000 worth of property was endangered. There were no firefighter or civilian deaths or injuries. Manpower shows on the 53 calls there was an average of 15 participants for a total of 555 hours. There were 4 training sessions with an average of 26 participants for a total of 215 hours.

Brookhaven Volunteer Fire Company responded to the following incidents in Brookhaven Borough: a building fire at 3428 Mount Vernon Avenue; Building fire at 5200 Hilltop Drive Condo V-14, 5 accidents at—1 at Edgmont Avenue at Brookhaven Road, 1 on Edgmont Avenue at the entrance to WAWA, 1 at the intersection of Trimble Boulevard at Mount Vernon Avenue and 1 at Bridgewater Road at West Brookhaven Road. They responded to gas leaks at 712 Creekside Drive, Washington Avenue at Morris Avenue, 4300 block of Marianne Drive and assisted Coebourn School Maintenance Department with a boiler problem.

Brookhaven Volunteer Fire Company assisted Middletown Fire Company on a building fire on Nelson Drive; assisted Chester Township Fire Company on a building fire in the 3900 block of Elson Road in Toby Farms and a building fire at the 3M Company; Assisted Rocky Run Fire Company on a building fire at 1075 Baltimore Pike, Assisted Chester Fire Department on a 2 alarm building fire at West 2<sup>nd</sup> Street; Assisted Boothwyn Fire Company on a building fire at 224 Meetinghouse Road.

Brookhaven Fire Department's fire training involved SCBA Recertification on search/rescue, victim rescue, hose line advancement and search techniques.

The January 2019 Ambulance Report shows 75 transports, 22 medical refusals, Lift Assist/NSR 3, 1 Dead on Arrival 6 CX in route and 15 Fire Company Assists calls for a total of 122. There were 6 second emergency calls. Broken down the report shows Brookhaven 52 83 calls; Aston 17 3 calls; Chester City 81/82/100 14 calls; Chester Township 47 4 calls; Concordville 59 1 call; Media 23 3 calls; Middletown 50 2 calls; Nether Providence 51/65 5 calls; Parkside 45 5 and Upland 57 2.

### ACTING POLICE CHIEF – Gregory Martin

Chief Martin's written report shows, among other things that on January 10, 2019, Officers Martin, Detective Habich, Gallagher, Jenkins, Wetten and Eastman attended a class sponsored by PECO Energy teaching officers about line safety and downed wires; On January 28, 2019 Officer Wetten qualified Officers Kyler, Subers, Jenkins and Gallagher at the shooting range. On January 14, 2019 Acting Chief Martin and Detective Habich attended a Medical Marijuana Seminar in Bucks County hosted by P.A.D.Y Association and on January 29, 2019. Detective Habich and Secretary Fuller attended the monthly Workplace Safety Meeting.

SOLICITOR'S REPORT – Mr. Stone

Solicitor Stone said that the draft Ordinance adopting the 2015 edition of the *International Residential Code* has been revised as discussed at the January 28<sup>th</sup> Workshop to include reference to June 6, 1977 (the date Ordinance No. 369 was passed) in Table R301.1(1). Notice of the consideration will be published in the Chester Spirit in the near future. Mr. Stone said he plans to ask at the March 4, 3029 Council Meeting for a Motion to adopt the Ordinance.

Regarding 315 West Brookhaven Road, DEP has advised that the Borough must accept dedication of the sanitary sewer main extension. He recommends a Motion to amend the approval to grant Final subdivision Approval and Final Land Development Approval. As always, this approval is subject to the engineer's comments. The approval also does not address or resolve the issue of the Cost Estimate for the project. Once an agreement is reached on a Cost Estimate between the Borough Engineer and the Developer's engineer, Mr. Stone will prepare a Development Agreement for the project. Ms. Sawicki said the problem is that money. Enough must be put in escrow or a bond. Ms. Sawicki made the motion and Mr. LaPera the second to approve the recommended above Motion with the escrow or bond condition included. Motion carried by unanimous vote.

The Brandywine Valley SPCA has provided a draft renewal contract. The proposal is for a five (5) year term with no automatic renewal. The baseline contract fee ranges from \$1,060.90 per year to \$1,166.99 per year, depending on when the 2019 payment is tendered. The Borough will be billed monthly for acquisition and housing of animals at the base rate of \$265.22 per dog and \$159.13 per cat, with 3% increases in the base rate per year for the five (5) year contract term. If the Borough terminates the contract early, the Borough is liable to the SPCA for nine (9) months of service fees based on the monthly average for the six (6) months preceding the termination. We are also required by the contract to provide contact information for the SPCA on our website, if we are not already doing so. A copy of the draft contract was provided by Solicitor Stone and it is his recommendation that Council approve the contract when they are ready to proceed. Ms. Sawicki said the owner of the pet is responsible for reimbursing the Borough for the expense incurred. Ms. Sawicki made the motion and Mrs. Fooks the second to approve the contract. Motion carried by unanimous vote. This is Resolution 2019-02.

MAYOR'S REPORT – Mayor Hess

Mayor Hess said the search for a police chief ad has been approved. It will be advertised in Maryland, Delaware, New Jersey and Pennsylvania. It will also be on our web-site. Look for it under Human Resources@BrookhavenBorough.com.

Mayor Hess also said that we have received something from PennDOT for a left turn signal at the intersection of Edgmont Avenue at East and West Brookhaven Road and at Edgmont Avenue at Upland Road. Once the signals have been set according to the permit, PennDOT has to be notified so they can inspect them. Mrs. McKinley sent the plans to Higgins Electric for them to read since she does not know how to read them.

COUNCIL REPORTS

PRESIDENT PRO-TEM, CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND INSURANCE COMMITTEE, MEMBER LONG RANGE DEVELOPMENT AND COMPREHENSIVE PLANS, MEMBER FIRE COMMITTEE AND CHAIRMAN GRANT COMMITTEE – Ms. Sawicki

Ms. Sawicki asked for a motion to approve the Bill List which totals \$41,580.37. Mr. LaPera made the motion

and Mr. Heller the second. Motion carried by unanimous vote.

Ms. Sawicki said she met with the auditors from Barbacane Thornton & Company, LLC. They have finished the 2018 audit. Everything went well. We should be getting the report for within the next few weeks.

Mrs. McKinley suggested a motion to permit her to advertise the Consolidated Audit once Ms. Sawicki gets it. That way it can go in faster than waiting another month to get approval to do that. Ms. Sawicki so moved and Mrs. Fooks made the second. Motion carried by unanimous vote.

CHAIR TECHNOLOGY AND COMMUNICATION COMMITTEE, CHAIR BOARD OF HEALTH, LIAISON TO CIVIL SERVICE COMMISSION, CHAIR HISTORICAL COMMITTEE AND MEMBER POLICE COMMITTEE – Mr. Heller

Mr. Heller said the Technology Committee did meet on January 10. They are developing an emergency time-line.

Mr. Heller reported that the Tech Committee met on Thursday, January 10 with the main agenda item being the implementation of an emergency notification system. A rough timeline was set. They also discussed the exact uses of the system and contacted the County Deputy Emergency Management Services Director for assistance and to extend an invitation to the next meeting. They also extended invitations to Steve Schultz, Chief Montella and Acting Police Chief Greg Martin for their advice and input.

The Historical Committee met on Wednesday, January 16 with the main agenda item being Hometown Hero Banners Program which they hope to launch by spring. The program is similar to what Upland has, banners hung on brackets on utility poles to honor Brookhaven Residents that have served in any of the municipalities seem to split the cost of the banners with the families of the individuals; however, we plan to fund raise as a committee to cover the costs. They also discussed the state of the Dutton Mill Mansion which recently sold. (The owner pledges to restore as a single-family home) and the hanging of the Coebourn School Construction Plates, which is pending an answer from Harry Swayngim where and when to hang them.

There was nothing new on Civil Service or Board of Health.

PLANNING COMMISSION LIAISON, CONDO ASSOCIATION CHAIR, MEMBER FIRE COMMITTEE AND MEMBER HISTORICAL COMMITTEE – Mr. Pappas

Mr. Pappas said the Planning Commission did not meet last month. Two of the members of the Planning Commission need to re-appoint. Mr. Heller made the motion and Mrs. Fooks the second to appoint Jason Smith to another 4 year term on the Planning Commission. His new term will expire the first Monday in January 2023.

Mr. Pappas made the motion and Mr. LaPera the second to re-appoint Margaret Eighan to another 4 year term on the Planning Commission. Ms. Eighan's term will expire the first Monday in January 2023. Motion carried by unanimous vote.

Mr. LaPera made the motion and Mr. Heller the second to appoint Tom Dykes to fill the expired term of Bernice Vicario on the Recreation Board. Right now Mr. Dykes is an Alternate. His 5 year term will expire the first Monday in January 2023. (Mrs. Viciario's term expired the first Monday in January 2018.) Motion carried by unanimous vote.

BUSINESS AND REVITALIZATION COORDINATOR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, MEMBER LONG TERM AND COMPREHENSIVE PLANS, SCHOOL BOARD LIAISON, CHAIR TECHNOLOGY COMMITTEE AND CHAIR GRANT COMMITTEE – Mrs. Fooks

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Mrs. Fooks said the Ordinance Committee did not meet in January. Their next meeting will be on Thursday, February 21 at 6:30 PM.

Business Revitalization News shows Chili's has their permits so the work can begin. The old Wine/Spirits building has a beer distributor interested in the building. There haven't been any permits paperwork completed yet. She said she is bringing this up because there is concern that a bar is coming. A bar is not coming.

There is no new information on the Tech Committee or the Brookhaven Business & Community Association.

Community News shows the next Chip/Vaccination Clinic will be held here at the Municipal Center on April 2, 2019. Flyers are in the back of the Council Room.

VICE PRESIDENT OF COUNCIL, CHAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING HEARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS – Mr. LaPera

Mr. LaPera said the Zoning Hearing Board will meet on Tuesday, February 12 at 7:00 PM to hear the case of a sign for a Driving School that was unable to be heard last month because lack of quorum. Also addressed will be the reorganization of the Zoning Hearing Board. This has been properly advertised in the Delaware County Daily Times.

The Recreation Board will meet on Thursday, February 28 at 7:00 PM. They are getting ready for the new year. Pictures with the Easter Bunny will be taken from 10:00 to 11:00 AM with the Easter Bunny. The egg hunt begins at 11:00 AM and is over at 11:02 AM.

The Inspectors Meeting will be the first Thursday of the month at 4:00 PM.

At Workshop kitchen and concession stand workers were addressed. State Labor Law says one must be 16 or older to operate the hot dog roller or oven and 18 years old for the deep fryer. Solicitor Stone said as long as they are complying with the law, the borough will be OK. Mr. Heller made the motion and Mrs. Fooks the second to adopt the above State Labor Law. Motion carried by unanimous vote.

CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, CHAIR FIRE COMMITTEE, CHAIR VETERANS' COMMITTEE AND CHAIR POLICE COMMITTEE – Ms. Leslie was absent because of illness.

ENGINEER'S REPORT – Mrs. Mulvena

Mrs. Mulvena's written report to council covers Grants-Mariner East and the DEP 902 where information on the project was submitted. The borough is waiting for the executed contract comes back from DEP. When it does, the borough must notify NDI. Transition, Wastewater Treatment Plant, 2018-2019 Ordinary Street and Sewer Maintenance, Sinkhole at Bridgewater Road where it meets West Brookhaven Road, Sanitary Sewer Maintenance, Storm Sewer Maintenance, Stormwater Projects, street Light Maintenance, traffic Control, Land Development, MS4 Stormwater Permit, ADA Compliance and Stormwater Tip. She discussed each topic.

Mrs. Mulvena said the borough has to go out for bids on street lights and traffic lights. She will have them for Workshop on the 25<sup>th</sup> of February. Ms. Sawicki said street and traffic lights are in the budget for liquid fuels Funds. Ms. Sawicki made the motion and Mrs. Fooks the second for this matter. Motion carried by unanimous vote.

PRESIDENT OF COUNCIL, CHAIRMAN PUBLIC WORKS AND BUILDING, HOLIDAY PARADE LIAISON, MEMBER POLICE COMMITTEE – Mr. Donaway

The Public Works Report for January shows there were no sewer calls. The Public Works Employees filled numerous potholes; during that recent cold snap they salted numerous areas of the Borough almost daily because of the sump pump discharges going into the streets, Cooper Road being the worst. Also salt is not very effective after about 15 degrees; they cut up three downed trees in Sampson Park. One fell on the retention pond fence that will have to be repaired; collected and chipped 527 Christmas trees. Chips were spread in Sampson Park fall zone; Upgraded stop signs and poles at Trimble and Victor (4), Cooper and Marshall (4) and Cooper and Cambridge (1); replaced one stop sign at Mount Vernon and Trimble that was hit by a car. Will be upgrading more stop signs and street name signs when they come in to bring them up to the MUTCD regulations. They are putting new facing material on stop signs if they are in any condition to do so. It's about half the cost of a new one. Using the old aluminum sign and few facing material; they moved two large stones to the Dutton Mill Traffic Island to try to prevent another vehicle from taking out the sign again. If Council doesn't like the looks the Public Works Employees can remove them. They will plant the traffic island around the stones for the summer. The Public Works Employees are waiting to hear from the fence repair company about the Sampson Park pond. Also needs to be discussed are the gates at Durkin Field. Does Council want them to swing in both directions (if that is possible) or swing in toward the playing field or out away from the field? Gary Thompson believes that type of hinge will only swing one way. Please let him know in which direction Council wants them to go if they can't swing both directions.

The 2018 Recycling Report shows that 390 Christmas Trees were picked up and chipped. The chips were spread in the fall zone at Memorial Park. This year there were 527 Christmas Trees picked up and shredded but the chips had to be disposed of because they had thorny material and poison ivy in them.

725 cubic yards of leaves were picked up which resulted in 725 loads being taken to the transfer station, 212 gallons of diesel fuel used and \$2,718.75 in dumping fees were incurred. Mr. Donaway also read the 2018 Sewer Calls List but only gave the street and number of calls on the street so he didn't disclose the homeowner's address where the sanitary sewer event happened.

Mr. Donaway said he and Council received a memorandum from Harry Swayngim asking permission to purchase a 2002 Yamaha Grizzly 600 4WD 4 wheeler with only 170 miles on it. It comes with a plow and the purchase price is \$2,000. The only thing it may need is a carburetor, battery and an oil change which all may total about \$200. He asked permission to buy it.

Mr. Donaway read Resolution 2019-01—A Resolution of Brookhaven Borough Council, authorizing an application to the Delaware County Council for an allocation of County Liquid Fuel Tax Funds in 2019 for the Municipal Roadway/Street Improvement Program of 2019. The amount we are asking for is \$8,910.0 to be used toward the above mention project. Ms. Sawicki made the motion and Mrs. Fooks the second to adopt the Resolution. Mrs. Mulvena said the borough will get reimbursed in 2019. Ms. Sawicki made the motion and Mr. Heller the second to advertise this project in The Chester Spirit. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Mr. Heller the second to adopt the proclamation making April 8.1.1. Safe Digging Month in Pennsylvania. Motion carried by unanimous vote.

Mr. Donaway said the borough is starting negotiations with the Teamsters' Union. He and others involved will be meeting with them here at the municipal center on February 6 at 3:30 PM.

The Police Contract expires on December 31, 2019. He is turning this matter over to Ms. Sawicki to handle.

Mr. Donaway said the borough is working with John McLaughlin on Randy McGoldrick's situation. Mr. Donaway said Mr. McLaughlin suggested retaining the services of Roseann J. McGrath, 655 Fawn Circle, King of Prussia, PA 19406 to help. Her hourly rate is \$125.00. Mr. Donaway said he spoke with Ms. McGrath of the phone about her resume. He was impressed with her experience and expertise. Council had a Personnel Meeting on January 15 to discuss this. Mr. Heller suggested setting some limits, e.g., 50-100 hours at \$125.00 per hour. It is estimated resolution will take may take 3 to 6 months. Ms. Sawicki made the motion and Mr. Heller made the second to retain the services of Roseann J. McGrath at a cost of \$125.00 per hour with the possible number of hours between 50 and 100 hours. Motion approved by unanimous vote of Council with Mr. Pappas abstaining because he may be applying for the job. The ad is ready to go and is being prepared by Mr. McLaughlin and he charges \$125.00 an hour also. He will prepare the advertisement. Ms. Sawicki made the motion and Mr. Heller the second to authorize preparation of the ad Motion carried by unanimous vote.

## INSPECTOR'S REPORTS

ZONING OFFICER – Mr. Hampton

Mr. Hampton said whenever possible, Zoning Hearing Board matters will be advertised in *The Chester Spirit*.

Chili's has sent in their paperwork.

Chic-Fil-a signage information came in a month ago.

There are parking problems on Grandview Avenue and Sieger Street. The residential area street is very narrow. Mrs. McKinley will send similar letters to those sent to residents of Shepherd Street and Zoar Street.

FIRE MARSHAL – Mr. Leslie had no report.

PUBLIC FIRE SAFETY OFFICIALS – Chief Montella and/or Mr. Bynum – No report other than the Fire Chief's Report given earlier in the meeting.

FIRE MARSHAL – Mr. Leslie

BOARD OF HEALTH – Bob Grant wasn't present.

## PUBLIC DISCUSSION

Solicitor Stone talked about Chili's and Chic-Fil-A Is there any financial security for seepage beds. A cost estimate is needed for whoever is pulling permits. Chic-Fil-A will need a bigger seepage bed.

With no other business to come before council, Mr. Heller made the motion and Mrs. Fooks the second. Motion carried by unanimous vote.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary