

MINUTES
BROOKHAVEN BOROUGH
WORKSHOP
MONDAY, JANUARY 23, 2012
7:00 PM

At 7:00 PM, Council President, Daniel McCray, called the Workshop Session of Brookhaven Borough Council to order. The meeting was held in the Brookhaven Municipal Center. He welcomed all present.

The record shows the following people 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.

PRESENTATION TO COUNCIL

Karen Holm and Zach Barner from Delaware County Planning, Gerard Fernandes from Stantec— Southwest Delaware County Municipal Authority's (SWDCMA) contracted Engineer, and Thomas Cozza, SWDCMA's Treasurer as well as Elizabeth Bolt, P.E. and Roger Lehman from Weston Solutions were introduced. Ms. Bolt explained the DELCORA Act 537 process. The state requires DELCORA to have a plan. DELCORA has prepared a regional plan on behalf of local municipalities. She spoke about SWDCMA's Baldwin Run Plant—what to do with it. They have been in the planning process for a year. In order for the DELCORA Plan to be administratively complete they have to have all municipalities involved pass a resolution saying that the municipality approves the plan. She spoke about the need for SWDCMA to remediate an environmental hazard which is the condition of the Baldwin Run Plant. She said the Borough's approval does not preclude the Borough from doing something else with what goes to SWDCMA. We could have an alternative to what DELCORA and the County has planned. Mr. Wilwert said it has been said that Brookhaven is holding up the plan. Ms. Bolt said no, Brookhaven is not the only thing holding up the plan—there are other administrative things too. She spoke about a review letter from the Pennsylvania Museum Commission. DEP still has questions about the flow capacity. She spoke about easements being needed and they are in the process of obtaining procedural documents from the utilities. Mr. Wilwert spoke about two recent e-mails concerning the Resolution. We were told to ignore one of them. She said she was the person who initiated the e-mails that came out. Mr. Wilwert asked why the Borough would approve something that DEP won't. Ms. Bolt said DEP won't review it as part of the official Act 537 Plan until it is final and they have all approvals from all municipalities involved. Mr. Wilwert said he is a little hesitant because the Borough does not want to approve something that may be wrong. Ms. Bolt said Brookhaven Borough could "take on a 537 Plan on their own". DELCORA wants to take the flow from the Baldwin Run Plant. This is good for the environment. Mr. Wilwert said we want to make sure that no matter what happens that the 600+ homes currently on the SWDCMA line get the cheapest and best plan they can get. Ms. Bolt said she understands Mr. Wilwert's concern. Ms. Bolt said she has given a breakdown of the figures to Charles Catania, Jr. Mr. Wilwert asked if there was any way the Borough could get a copy of SWDCMA's 2012 Budget. Mr. Wilwert asked who incurs de-commissioning costs. Ms. Bolt said the costs will be spread to all of the SWDCMA users. Mr. Wilwert said the bottom line is

Minutes January 23, 2012 Brookhaven Borough Council Workshop

that the 600+ Brookhaven homes on the SWDCMA line do not know what they are going to pay. Ms. Bolt said that at the first writing, they did not have a figure for the de-commissioning but it is now estimated at \$54/customer/year for 20 years. There are other costs associated with the DEP Consent Order for SWDCMA. What they are able to quantify is the \$53 plus \$32 for a total \$85/year over 20 years. Mrs. Erickson said she is concerned about other costs "down the line". Will they be passed on to the residents? Ms. Bolt said DELCORA's cost will be equal to SWDCMA's cost. Mrs. Fooks said "what about Middletown"? Ms. Bolt said the agreement with them will be terminated 5 years earlier. Mr. Cozza, Treasurer of SWDCMA pointed out a few things. He said SWDCMA can't sustain the Baldwin Run Plant in its current condition. It is estimated it will cost \$20,000,000 to correct it and then they would be subsidizing it \$2,000,000 per year. He said "the sooner we can move to DELCORA, the better it will be". Mr. Wilwert said that when the 600+ Brookhaven families on the SWDCMA line are in a room, he wants an answer for them. Mr. Cozza said SWDCMA will be having meetings with people who are on the system. Mr. McCray said he did some calculations and he came up with a figure of \$7.70/month extra.

Robert Hill, President of Retail Sites LLC introduced himself, Todd Robinson from Giant Food Stores, Skip Brion, Esq. from Buckley, Brion, McGuire, Morris & Sommer and Mike Jeitner from Bohler Engineering. He thanked Council for allowing them to make a presentation this evening. He said they are here on behalf of Giant Foods. Giant has been looking to stay in Brookhaven but they have outgrown their 40,000 square foot store of which only 60% is selling area. The prototype is 66,000-75,000 square feet with at least 56,000 square feet selling area. Mr. Hill said that he and his associates have had conversations with Chester Water Authority about purchasing a portion of their property with boundaries on Edgmont Avenue/Coebourn Boulevard/Duttons Mill Road. He continued saying Chester Water Authority needs to see if the Borough would rezone it. He said he knows there are buffers and environmental issues that have to be addressed. Retail Sites has looked at the Borough's Comprehensive Plan. They would like to build some additional retailers on the site and take into account the traffic signaled intersections. He explained Concepts A and B and the aerial in their booklet entitled Brookhaven Borough, A Public Private Partnership Proposal 55 acres – Brookhaven, PA. The booklet is dated January 19, 2012. Among other things he said that there would be sidewalks on the Coebourn Boulevard, Edgmont Avenue and Duttons Mill side, of the 55 acres, 49% would be active or passive recreation, the shopping center would take up 22 acres, office space 9 acres and the water tower 1 acre (Concept A). Mr. Linowski expressed concern about the entrances and exits on to Coebourn Boulevard because of the close proximity to Coebourn Elementary School. Mr. Hill said a traffic study will be done on the plan. Mr. Wilwert asked if the water tower will be active. Mr. Hill said yes. Mrs. Erickson asked what will happen to the old Giant? Mr. Hill said the landlord would have to re-lease the store. Mrs. Erickson said we get a lot of comment from the public about empty stores. Mr. Robinson from Giant said they are leaving that store no matter what. It's a "frustrating situation for the current Giant". Mr. Wilwert asked who is going to own the property. Mr. Hill said Retail Sites but they will not own the recreational area. Mr. Linowski said if the Borough were to go to a plan like this the Borough is not in a financial position to develop the recreational area. Mr. Maddren said he feels that Chester Water Authority would like a ground lease. What could be put in that space, recreation-wise? Mr. Hill said that Chester Water Authority wanted concept plans put together. Whether it will be a purchase or lease "is up in the air". Mayor Hess said he thinks it is a "fantastic plan". He said he is "partial to recreation" having served with and on the Recreation Committee for many

Minutes January 23, 2012 Brookhaven Borough Council Workshop

years. The Borough can definitely not develop that ball field ourselves. We have had the luxury to have that ball field for many years. Mr. Linowski said volunteers have made that field what it is today. He said to take that field away “moves him in the wrong direction”. Mr. Wilwert asked who is going to make the ball field. If we have to go through the process of building new fields that is an important thing to him in “making a decision whether or not to bite on to the plan”. Hill assured Council that it will be a joint effort. He continued their presentation by reviewing charts with the tax impact to the Borough and other financial impacts. Skip Brion said if the Borough likes the concept, Chester Water Authority said the Borough has to have a ball field on that property. Mayor Hess and others said it just makes sense to give us a ball field. Mayor Hess said that when the Scott Park (now Memorial Park) ball fields and the clubhouse were built, it was done by the developer.

BID OPENING

Borough Engineer, Charles J. Catania, Jr., opened the three bids received on the Used Kohler Generator that the Borough was selling “As Is”. The record shows the acceptance of bids was properly advertised in the Delaware County Daily Times and Proof of Publication was provided. The first bid opened was from Service Master of Newark, Wilmington, DE. Their bid was \$500 and a Cashier’s Check in the amount of \$50 was enclosed. The second bid opened was from Georgeo’s, Marcus Hook, PA. Their bid was \$3,001.01. A Cashier’s Check in the amount of \$300 was enclosed. The third bid opened was from A. AJ. Jurich, Inc. of Aston, PA. Their bid was \$750 and a Cashier’s Check in the amount of \$75 was enclosed. Mr. Catania turned the checks over to the Borough for safekeeping and he took the bids for tabulation. It is anticipated that the award will be made at the February 6, 2012 Council Meeting.

PUBLIC DISCUSSION

Joseph Kurman, Chairman of the Zoning Hearing Board, spoke about Mr. Hampton who served on the Zoning Hearing Board for many years and was most recently the Borough’s Zoning Officer. He suggested that Mr. Hampton be recognized for his many years of dedicated service to the Borough.

George Scarino, 4112 North Gray spoke to Council, especially the new members, about the water situation at his home and at the intersection of North Gray at Melvin Drive. Whenever there is a heavy storm the intersection floods, his home gets water in it and the sanitary sewer overflows too. The problem has been going on for 25 years and needs to be addressed. Mr. Scarino said he is looking for an answer. Can Brookhaven Borough do something about the situation? Is there anything he can do to assist the Borough? Mr. Wilwert said we have not televised that line yet. We are going to televise it later this week. Mr. Wilwert said he talked to Mr. Catania earlier this evening. Mr. Catania, Gary Thompson and Mr. Wilwert will be getting together to see why it’s happening and what can be done. Mr. Wilwert said that sewer line runs through some residents’ back yards. The construction of that line is the problem. We are hoping to stop the problem—especially the sewage part of it. The line will be televised further up working our way down to the area. Mr. McCray said he would like to see it done quickly.

Jesse Tucker from 421 Camelot Drive thanked Council for the information he got earlier tonight by attending the meeting and hearing information on the DELCORA Act 537 Plan. He said he is

Minutes January 23, 2012 Brookhaven Borough Council Workshop

concerned about connector fees and monthly fees. He would like that information shared with him. He also spoke about speeding vehicles on Camelot Drive. Can speed bumps be installed similar to those installed in Aston and Media. Mr. McCray and Mrs. Erickson both said they are checking the speed bump installation matter now.

Mike Ruggieri from East Garrison Road said that a deed exists that shows when the Chester Water Authority property was deeded to them for \$1 for the good and welfare of the community. That was the original intent of the property. Make sure there is no cost to the Borough when it is being used for the good and welfare of it. Mr. Ruggieri said "morally and ethically the recreational use of the property should not be diminished and it should cost the Borough or the Athletic Associations \$0."

David Schlott from Edgewater Lane welcomed the new members on Council. He wished them and the rest of Council luck in the future. He said we still have a traffic light situation on Cambridge Road and Edgmont Avenue. Chief Montella and Mr. Leslie agreed. Mrs. McKinley said that we are trying to get a meeting at the site set up between Borough Officials and PennDOT. Mr. Catania said that in a report from Higgins Electric on December 23 it shows that that particular traffic light is not working.

SOLICITOR'S REPORT – Mr. Maddren

Mr. Maddren said he spoke to the Chester Water Authority's solicitor about the ball field lease. It should be wrapped up for review in February and if all is in order could be put on the agenda for approval at the March Council Meeting.

Mr. Maddren said he is working on a lease between the Borough and Pack 493 that would permit Pack 493 to store their trailer in which their camping supplies are stored on Borough property.

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 on February 6.

MAYOR'S REPORT – Mayor Hess

Mayor Hess said he would give his report on February 6.

COUNCIL REPORTS

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

Ms. Leslie said that the spring Shred It Day will be on May 19 from 8:30 AM until noon.

The Fire Committee will meet on February 16 at 7:00 PM.

Minutes January 23, 2012 Brookhaven Borough Council Workshop

Ms. Leslie reported pot holes at the intersections of Washington at Patton Avenue and 3 pot holes on Morris Avenue. She also asked why water builds up at the intersection of Edgmont Avenue at Edwards Drive. Mr. Wilwert said there is stream under the road. Mrs. McKinley said there is also a large sinking area where a street opening was made on West Brookhaven Road. Mr. Wilwert suggested she call PennDOT. Someone else mentioned a pot hole on Mount Vernon Avenue too. Mr. Wilwert said to report pot holes to the office so they can be put on the Maintenance Department's list.

The Emergency Management Team met with Global Connect to discuss their 100% web-based system. Using this system, a pre-recorded voice message can be sent throughout the entire Borough or to specific areas in the Borough. There is a power point presentation available should Council wish to see it at a meeting. She said they are doing away with the proposed siren system. It is too costly to get it into operation. Mr. Wilwert said the Global Connect System is a pretty neat package. Chief Montella said the sirens are really out. Mr. Cornog agreed. Someone asked if one has to sign up to participate in the Global Connect System. Ms. Leslie said yes. Mr. Wilwert suggested piggybacking for this service with other Boroughs.

Ms. Leslie said there is a young man in Boy Scout Troop 493 who is striving to earn the rank of Eagle Scout. He needs a project to do. If anyone knows of a project, contact Ms. Leslie. Mrs. McKinley said she has one for him and will discuss it with Ms. Leslie.

CHAIR PUBLIC WORKS, CHAIR BUILDING COMMITTEE, MEMBER FIRE COMMITTEE, DEPUTY EMERGENCY MANAGEMENT AND MEMBER LONG RANGE DEVELOPMENT – Mr. Wilwert

Mr. Wilwert spoke about parking issues in Cambridge Square during snow events. In designated areas in the development, No Parking This Side signs will be erected. Gary Thompson and Chief Montella have marked out the areas of concern. Only 9 to 12 cars will be affected. Mrs. McKinley and Mr. Maddren will be composing a Resolution on this matter. It is expected that it will be adopted at the February 6 Council Meeting. Chief Montella met with Donna Baker, President of the Homeowners' Association in Cambridge Square. Mrs. Baker is concerned with "party parking" but there have been no parking problems during parties. The problem occurs when there is a snow storm. There are lots of young families with children in the development. The Fire Chief and Fire Marshal agree and Mr. McCray said he is 100% behind them. The Police Department and Fire Marshal should be able to enforce the no parking signs.

Karen Dauber and the Clock Committee installed lights on some of the trees on the Memorial Island. They are asking that the lights be permitted to remain on the trees and lit at night until spring. Mrs. Erickson asked if the Butterfly Garden will be getting new lights.

Mr. Wilwert said there is a mechanical problem with our chipper. We are picking up Christmas Trees and taking them to the County dump.

The Town Watch Spaghetti Dinner will be held on Sunday, January 29 from 1:00 – 6:00 PM. Chef Joe Kurman is making the spaghetti sauce. Adults will be charged \$8, children 4-12 will be charged \$4 and under age 4 is free. Because of a manpower shortage, the dinner will be buffet style.

Minutes January 23, 2012 Brookhaven Borough Council Workshop
CHAIR ZONING HEARING 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 has noticed and has received complaints about people parking in the Fire Zone at the Brookhaven Shopping Center. The police often drive right past the illegally parked vehicles. The Frito Lay truck is an offender too. One can't use bad weather as an excuse for parking in the lane either. She asked that the no parking in the Fire Lane law be enforced. Mayor Hess said if a police officer sees a vehicle parked in the Fire Lane they are supposed to stop, approach the vehicle and give a warning. If that doesn't work then they are authorized to issue a ticket. Can the Fire Marshal issue tickets? Yes.

The Zoning Hearing Board reorganized at their last meeting. Joe Kurman is Chairman. Daniel Gallo is Vice Chairman. They also changed their meeting night to the second Monday of the month at 7:30 PM. Mrs. McKinley will have to advertise that.

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

Mrs. Erickson said the Planning Commission did meet. Ron Kerins is Chairman and Margaret Eighan is Vice Chair. The Planning Commission has chosen to change their meeting date and time to the 3rd Wednesday of the month at 7:00 PM. Mrs. McKinley will have to advertise that change. Their next meeting will be February 15 at 7:00 PM. The Planning Commission members had a question and want to set a protocol as to what comes before them. Who decides what does or does not come before them to review. Mr. McCray said we will have someone sit down with them to figure that out.

Our new trash/recycling hauler started this month. We have a Trash Committee to review problems if and when they arise. We have only had a few problems that were all handled quickly and to the satisfaction of all involved. We want to make sure things are handled promptly and properly.

During the last snowfall, people, especially the business owners/property management companies made no attempt to shovel. People were walking in the street along Edgmont Avenue because so many sidewalks were not cleared. Mr. Wilwert said he would put the snow shoveling rules on Channel 10.

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

Mrs. Fooks said she and Mayor Hess attended the Business and Professional Association's meeting on January 11.

Mrs. Fooks also said her daughter fell on someone's un-shoveled sidewalk on her way to school.

Mrs. Fooks said that the Ordinance Committee will be getting together for a meeting within the next few weeks.

Minutes January 23, 2012 Brookhaven Borough Council Workshop

ENGINEER'S REPORT – Mr. Catania

Mr. Catania said that on February 6, he will be recommending a motion to adopt the Resolution for 2012 County Aid as well as the adoption of the Recommended Street Restoration Specifications. He summarized the Street Restoration Specifications by saying Section 2.4 includes provisions for the general requirements if a utility company excavates a street, namely:

1. Must repave entire street if the street was repaved within the last 8 years
2. Must repave half-width if the street is of good condition regardless of age and
3. Allows for a contribution in lieu of restoration where the Borough can take the money the Utility set aside for the restoration and complete the work. In general, the municipal costs for restoration are less than the utility's costs. For example, if the utility was required to pave half-width, the Borough may be able to pave full width with the contribution.

Mr. Wilwert asked if Mr. Catania will be the individual to make the determination of what needs to be done. He said yes.

Mr. Catania continued his report by saying the new generator is on line and operational. Also the 4 new heating units for the building will be shipped tomorrow. The installation should begin next Monday.

INSPECTORS' REPORTS

ZONING – Mr. A. Sanbe

There is a possibility that the Plaza 352 Shopping Center (Pathmark, K-Mart and other businesses) will be sold. Some Borough Officials met with the proposed buyer/developer to review their proposed plans.

M&K Associates at 3605 Edgmont Avenue would like to put a medical office on the property.

Brookhaven Beverage at the rear of Plaza 352 wants sell firearms. Mr. Catania said he and Mr. Maddren are looking into that.

Mr. Linowski asked Mr. Sanbe if there will be a medical supply facility going on the property where Liberty Tax Service is. Mr. Sanbe said that request has been denied.

BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield said she has citations ready to go for 4801 Argyle—firewood violations. She said that 601 Marshal is for sale but isn't getting any activity on the sale because of the conditions at 4801 Argyle. Mr. McCray said this is a code enforcement matter and directed Mr. J. Grant to issue citations.

She continued her report that she has only three houses in foreclosure now. We just got money from lien placed on a property that we were maintaining.

Inspections are on-going.

CODE ENFORCEMENT AND ELECTRICAL – Mr. J. Grant

Minutes January 23, 2012 Brookhaven Borough Council Workshop

Mr. Grant had no report but did ask to speak with Mrs. Fooks after the meeting.

FIRE MARSHAL – Mr. Leslie is working this evening.

EMERGENCY MANAGEMENT – Mr. Cornog

Ms. Leslie gave his report earlier in the meeting.

No other inspectors were present to give a report

PRESIDENT’S REPORT – Mr. McCray

Mr. McCray said he had a meeting the all of the inspectors. The meeting went well.

PUBLIC DISCUSSION

George Letherbury from 201 Morris Avenue spoke about a wet situation at the intersection of Washington and Morris. The area ices up during the winter. Water just lays there. Coming up Morris to make a right on to Washington, one can get in a spin out situation. Also Trimble to Washington gets to be a sheet of ice—its been that way for years. Mr. Wilwert said Gary Thompson will look at the areas. He also said that part of Morris was repaved a year ago.

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

Respectfully Submitted,

Mary Ellen McKinley
Borough Secretary