

MINUTES
BROOKHAVEN BOROUGH WORKSHOP MEETING
MONDAY, JANUARY 25, 2021

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.

Mr. Wilwert took a Roll Call and the following were present: Council President Mayor Leslie, Council President Mr. Heller, Councilpersons Mrs. Fooks, Mr. Gilroy, Mrs. Heller, Mr. Pappas, Ms. Sawicki, Mr. Vazquez, Solicitor Mr. Wills, Engineer Mr. Catania and Office Manager Mr. Wilwert. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

Mr. Heller announced that there was an Executive Council Meeting on Sunday, January 10, 2021 from 11 am to 12:30 pm. The subject was Personnel.

Council will meet in an Executive Session after this Workshop Meeting tonight and the subject is Personnel.

PUBLIC DISCUSSION

There was none.

SOLICITOR'S REPORT – MR. JAY WILLS

Mr. Wills reported that he submitted a report to Council but wanted to discuss the following: Zoar Street Subdivision – We just recently received the Executive Copy of the Recorded Plan back from the Delaware County Court House. Mr. Wills has begun drafting the Developer's Agreement and a Municipal Security Agreement. This is basically a two lot subdivision for two detached single family homes.

Police Matter – This concerns Officer Kyler. Mr. Wills has prepared a resolution for Borough Council's consideration at the February Council Meeting granting Officer Kyler a service connected disability pension. Earlier today Mr. Wills spoke with the Borough's Insurance Broker, Mr. Patrick Harkin, regarding other Worker's Compensation issues and heart and lung issues about this Officer. Mr. Wills said that he believes we have reached a tentative settlement concerning all these issues. A number of these issues are being handled by Workman's Compensation so the Borough may not be directly involved. Mr. Wills said that he has great faith in Mr. Harkin who has been involved in this business for over thirty years and brings a wealth of experience.

Pando Property – This is a development on West Brookhaven Road. We have received a Deed of Dedication for Lot #8 and it will be recorded at the Delaware County Court House. Mr. Wills is working with Mr. Catania to assist with the Developer for final regrading and restoration of the lot that has been dedicated to the Borough. This will be completed once the weather breaks.

Lot Line Relocation Plan – This is on 4830 and 4832 Greenwood Street. This is a very minor relocation plan where the homeowner is moving the lot line and adjusting both lots to be in compliance with the Zoning Ordinance.

The Borough Planning Commission will be meeting to review this on February 16, 2021. Mr. Wills and a representative from Mr. Catania's office will be at the meeting.

Tax Assessment Appeal Cases – These are tax assessment appeals that the Borough has received recently. Mr. Wills is monitoring ten different tax appeal cases filed for 2021. They concern both commercial and residential. In January 2021 all commercial and residential properties in Delaware County have been reassessed. Given the fact that all 2500 parcels in Brookhaven have been reassessed, ten appeals is not a significant amount. The appeal deadline has been extended to January 31, 2021 so it is possible that the Borough may receive some additional appeals.

Lease Addendum Agreement – Mr. Wills recently completed a Lease Addendum Agreement between the Borough and State Representative Leigh Ann Kruger to lease space that she maintains in the Borough Municipal Center. This is a “win win” for the Borough and the residents to have the State Representative here for the convenience of the taxpayers.

Mayor and Police Committee – Mr. Wills has been in contact about contract proposals with the FOP and has recently drafted proposals between the Borough and the FOP. Mr. Wills will be assisting the Mayor and the Police Committee with these negotiations. It is the intention of the Borough and the FOP to bring this matter to conclusion. We have not had a collective bargaining agreement since December 31, 2019. We will bargain in good faith with the hope of reaching a settlement.

MAYOR REPORT – MAYOR LESLIE

Mayor Leslie sent congratulations to Chief Montella and his wife on the birth of their new Grandson over the past weekend. His son Rob and his wife Diana are the baby's parents.

Mayor Leslie had the pleasure of swearing in James Kelso, our new part-time Police Officer, yesterday, January 24, 2021. We welcome him and wish him luck as he begins training this week. Mr. Heller also congratulated Chief Montella on his Grandson.

FIRE CHIEF – ROBERT MONTELLA

Chief Montella said he will have his regular report and the Covid-19 updates at the February Council Meeting. He was happy to announce that they had 60 personnel to receive their first round of the vaccine as fire personnel. Of the 60, 10 were employees on the EMS side and we had 6 personnel refuse the shot. Those 60 will be receiving their second shot of the vaccine beginning this week. They had no issues other than a sore arm, similar to the flu shot. Chief Montella said that he wanted to arrange a meeting with the Fire Committee in early February to go over things for the new year. Mrs. Heller said that she will coordinate the meeting.

POLICE DEPARTMENT – ACTING CHIEF JONATHAN ZEBLEY

Chief Zebley said he will have his report at the February Council Meeting. The Police Officers started to get their vaccine shots last week and also have had no issues. They are also scheduled for their second shot. The Police Department is scheduled to receive new radios from the County due to a Grant that was funded through the County. This will update their radio system. The Fire Department will also be eligible for the radios. Chief Zebley reminded all residents to lock their cars. No part of the community is immune. There was an incident last evening where a group of individuals were going through various communities and getting into cars that were unlocked.

They broke into cars in Brookhaven but they were chased away by residents. We and other communities are investigating.

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

Mr. Heller said that he will have his full report at the February Council Meeting. Mr. Gavin will be available at that meeting; he was unable to attend this evening due to a scheduling conflict.

Round Four of the Hero Banners is now open. We had to raise the price to \$130 each since we have to cover the cost of the brackets; we were unable to have any fund raising last year due to Covid which would have gone to the cost of the banners. We can only accept applications at the front desk of Borough Hall; the instructions are on the website.

Mr. Heller has received questions about the reopening of Borough Hall for rentals and group events. It will be indefinitely closed until Council feels it is safe to reopen which will depend on the distribution of the vaccine. Mr. Heller said he had questions from two residents of Traditions, our over 55 community, asking him to reach out to the Chester County Health Department to see if they could have vaccinations administered on site for their residents. Mr. Heller received an answer today and it is No. We also have offered Borough Hall to Chester County Health Department to use as a vaccination center. If they are going to use our Borough Hall, it won't be until late Spring if at all.

Mr. Heller asked Council to consider two additions to the Veteran's Committee at the February Council Meeting. They are Ed Mongelluzzo and Elizabeth Finnegan.

CHAIR BUSINESS REVITALIZATION COMMITTEE, CHAIR RECYCLING, MEMBER FINANCE AND ADMINISTRATION, MEMBER GRANT COMMITTEE, CO-CHAIR HOLIDAY PARADE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLAN COMMITTEE, CHAIR ORDINANCE COMMITTEE, CO-CHAIR RECREATION BOARD, LIAISON TO SCHOOL BOARD, MEMBER CONDO ASSOCIATION COMMITTEE, CO-CHAIR TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. FOOKS

Mrs. Fooks reported that the Ordinance Committee will meet on Thursday, February 18. Mrs. Fooks also wanted to inform Council that Sean McKenna, a current member of the Ordinance Committee, will be resigning from the Ordinance Committee effective immediately. Mrs. Fooks will be asking Council to accept his resignation at the February Council Meeting. Mrs. Fooks said she has received questions regarding the Kentucky Fried Chicken/Taco Bell Restaurant. They have been closed and have had shortened hours. The reason is that they are installing new kitchen equipment. We are waiting to hear back from one of our Inspectors as to when the work will be completed.

CHAIR VETERANS COMMITTEE, MEMBER POLICE COMMITTEE, MEMBER TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MR. GILROY

Mr. Gilroy had no report. He wanted to thank Chief Zebley for the hard work they did for an incident that he had. They took care of the situation and he wanted to thank the Police Department.

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 HEARING BOARD, CHAIR WORKPLACE SAFETY COMMITTEE – MR. PAPPAS

Mr. Pappas had no report.

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

Mrs. Heller reported that the Recreation Board is meeting in person this Thursday, January 28, 2021 at Borough Hall. The work on the Backstop has started two weeks ago and is in progress. Hopefully it will be done by the beginning of Baseball season.

CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND ADMINISTRATION COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLAN COMMITTEE, MEMBER FIRE COMMITTEE AND CHAIR GRANT COMMITTEE – MS. SAWICKI

Ms. Sawicki said the Bill List this month is three pages. She said that under Sewer, there is the DELCORA bill. This is the bill for the year 2020; we always pay this bill in February for the previous year. She said that when the tax bill comes out this year with an increase, it will be paid in February 2022 for the year 2021.

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

Mr. Vazquez reported that the following:

- ~ the Christmas tree collection is still ongoing.
- ~ we have hired a second seasonal employee, James Loftus, and he will be joining the team.
- ~ we will start training on our new Sewer Jetter; we will begin training on February 2, 2021 at 8 am.

ENGINEER’S REPORT – MR. CATANIA

Mr. Catania submitted his report to Council but reported the following:

- ~ Brookhaven Glen – construction has begun. We are preparing the proper documents and will have them forwarded to Mr. Wilwert for the February Council Meeting.
- ~ DELCORA Asset Transfer – the Borough received a letter about a month and a half ago asking Council to consider approval or denial of the Act 537 by January 15, 2021. The dates do not work for us. At this point, with all that is going on with the PUC and the court cases, Mr. Catania said that we are just going to sit on it and not take any action at this time.
- ~ PA Small Water Grant – This grant was received in 2018 for work along Brookhaven Road. The value of that contract was well less than the funds available. We have \$380,000 available and the contract was under \$100,000 so we asked DCED if they would reconsider awarding that money for the Whitely Road project and it was denied. We asked if we could use the money for the sewer restoration on Edgmont Avenue and that was denied. We have a lot of money sitting on the table so we are looking for creative ways to use this money.

One of the things being considered is the work that is being done on Brookhaven Road that involves the Borough's main sewer. We know that we are responsible for the street laterals so we are looking to see if we can rehabilitate the street laterals to use this funding. We are getting estimates for this and will contact the DCEP to see if that will be feasible.

~ Last month we heard from a resident on Creek Road about the flooding issues and the meeting with FEMA. Mr. Heller was in touch with State Representative Kruger and we have a tentative meeting set up for the first week in March. The meeting is to get a sense of what is going on down there and maybe have a representative from FEMA meet with the residents on that street.

~ 2021 Street Resurfacing – we are currently putting together a list of streets to be paved in 2021. If anyone on Council knows of a street that needs to be paved, please submit it to Mr. Catania

~ The money that we get from the County for the Gas Tax will be on the agenda for the February Council Meeting.

~ DC&R has information on the Parks Application that just opened. This is due in April so we should start thinking about acceptable projects. It is for up to \$250,000 with a 50% match from the Borough. Mrs. Heller asked if this includes the actual facilities; with Covid, we need to do additional work on the fields for baseball to begin. Mr. Catania said it would be covered but to keep in mind that the money for this grant would not be available until next year. Mr. Heller asked if it would cover a multi-use sports facility in an existing park. Mr. Catania said it would cover any recreational activity. Mrs. Heller asked if this grant could cover lights for the fields. Mr. Catania said it could.

FIRE MARSHALL – MR. LESLIE

Mr. Leslie said he wanted to bring something to the Ordinance Committee regarding home oxygen use and notifying our first responders. Mr. Leslie asked if we could get an Ordinance together for this and have the resident post it on their front door if they are using oxygen.

BOARD OF HEALTH

There was no report.

ZONING OFFICER –

There was no report.

PUBLIC DISCUSSION

Mr. Dykes, W. Brookhaven Road, asked Mr. Catania if the DC&R Grant would cover extending the drain pipe at Eaton Park under the walking path so we would have less water pools by the playground. Mr. Catania said it would be eligible but putting a project into DC&R for such a limited scope would not score that well. If we were going to do additional projects at Eaton Park, it might make sense. There are other grants available that would be more appropriate for this. Mr. Heller asked if the Mariner 2 Grant would cover this. Mr. Catania said that money is allocated for two projects that we are still trying to work out. They are given by latitude and longitude; Mr. Catania said he would have to do more research on this. He said that the fix at Eaton Park is relatively simple; we can extend the pipe down. The location is at the swings and the walking path. Mr. Dykes said there is also an area in Samson Park where you enter; there is a huge water trough that stays on for days after the rain ends. It is along the tennis court and the third base of the T-Ball field.

Mr. Dykes said there will be a number of people interviewing for the Rec Board vacancies at the meeting on January 28, 2021.

OTHER BUSINESS

Mr. Wills had a question for Mr. Leslie regarding the proposed Ordinance for home oxygen use requiring some sort of signage on the exterior of the residence advising First Responders that there is home oxygen in use. Mr. Heller said he feels this would be invasive to have this and he suggested having a Master List of all the homes that use oxygen. He said that not everyone would want to put up a sign on their door. Mr. Wills said he would look into the pros and cons of this. Mr. Wills said it may be that we would have a list for the Fire Department and the Police Department that we would use instead of having the residents having to use a sign that would advise everyone of their health issues. Putting up such a sign may be invasive and could cause some legal issues.

Ms. Sawicki said that maybe there could be a sticker on the front door and that would protect our fire fighters. They are going into a situation that could be dangerous for them.

ADJOURMENT

There was no other business to come before Council. Mrs. Fooks made the motion and it was seconded by Mrs. Heller to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 7:32 pm.

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary