

MINUTES
BROOKHAVEN BOROUGH COUNCIL WORKSHOP MEETING
MONDAY, JANUARY 28, 2019

At 7:00 PM Council President Vawn Donaway called the regularly scheduled Workshop Session of Brookhaven Borough Council to Order. Mr. Donaway led in the Pledge of Allegiance to the American Flag.

The record shows the meeting was held in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Brookhaven, PA 19015 and the following people were seated at the Council Table. Councilpersons Mr. Donaway, Ms. Sawicki, Mr. LaPera, Mrs. Fooks, Ms. Leslie, Mr. Pappas, Mayor Hess, Borough Engineer Mrs. Mulvena and Solicitor Mr. Stone. Planning Commission Secretary Mrs. Boyle recorded the minutes. Mr. Heller was absent due to illness.

PUBLIC DISCUSSION

Ms. Karen Brooks and Ms. Sharon O'Hanlon, 3614 N. Clearwater Lane, Brookhaven, were present to discuss getting solar panels for their home. Ms. Brooks said she has been a resident for 30 years and she lost many trees during the storm in June 2015. She now has total open space and decided to go solar. To get the most rays in the panels, they should be facing south. Her home is facing east and west so she will require more panels for solar energy. She retained a local contractor, received the PECO approval, received the Structural Engineer approval and then came to Brookhaven to get the Solar Permit. The cost for this permit was \$1,172.99 and her contractor thought this was a really high cost; the contractor thought that \$200 to \$400 should be within reason. Ms. Brooks did a research search about alternate figures and she gave it to Mr. Donaway to review. One of the sites she researched was PennFuture.org which is located in Western Pennsylvania, which has a 95-page article about streaming to solar energy. In the article it was suggested that a reasonable Solar Permit fee should be \$200 for small installations. Another site recommended having standard permit recommendations to make it less time consuming on the municipalities. Ms. Brooks compared other municipalities and found many to be less than Brookhaven's. Ms. Brooks said they are appealing the volume of panels.

The panels for solar energy are very expensive and Ms. O'Hanlon said that they want to see if there are any alternatives to this high fee. By doing research they found that the permit is based on a percentage of the solar cost and since solar is new, the costs are high.

Mr. Donaway said that he has discussed with Mr. Bob Grant, Building Inspector, and Mr. Grant has done research on this also. Mr. Donaway suggested having a meeting with Ms. Brooks, Ms. O'Hanlon, Mr. Grant, Mr. LaPera and himself to discuss this. Ms. Brooks said that there is a Federal Tax Rebate of 30% for the cost of the project and it ends the end of 2019. She wants to have the project completed by then to lower her expenses for electricity. Mr. Leslie said that the Fire Department does not have to be involved; they will notify 911 to let them know there are solar panels at the location.

Mr. LaPera said there will be an Inspector's meeting in February and they can meet with Ms. Brooks and Ms. O'Hanlon after the meeting. Ms. Brooks and Ms. O'Hanlon said they will be happy to have a meeting.

Ms. Brooks wanted to tell the Council members that she was talking to some people about Brookhaven and she told them how proud she was of how well the Brookhaven officials took care of all the residents during the storm in 2015.

**FINAL APPROVAL FOR SUBDIVISION – DiFIORE MAXIM INVESTMENTS, LLC.
– 315 WEST BROOKHAVEN ROAD, BROOKHAVEN, PA**

Mr. Matthew DiFiore, representing DiFiore Maxim Investments, LLC. and Mr. Matthew Houtman, P.E. representing G. D. Houtman & Son, Inc., Civil Engineers and Land Surveyors in Media were at the meeting to discuss the property. Mr. Houtman said that this Plan has been before Borough Council on several occasions. It is a two-acre parcel subdivided for seven homes and an additional parcel which will be open space parcel for Brookhaven. The first plans were submitted in January 2018 and we have gone through the Preliminary and Final Plan submissions.

Mr. Houtman said that it has come to his attention that at the last Council Meeting there were areas of confusion related to the sanitary sewers. With respect to the sanitary sewers the proposed sewer disposal was with a connection point within Brookhaven Road. The sewer line is extended along the northeasterly side of Lot 1 and continues along the southwesterly side of Arlington Avenue. Mr. Houtman said that from the very first plan submission, that was their intent and was noted on the plans that the sanitary sewer will be offered for dedication to the Brookhaven Borough (note #12 on the plan). There was an easement for sanitary sewers proposed for Lots 3 through 7 to provide for that sanitary sewer. There is an eight-inch gravity collection system with three new manholes. Mr. Houtman said that the Pennsylvania Department of Environmental Protection Agency discourages, or in this case probably prohibits, private ownership of this type of sanitary sewer installation. Mr. Houtman said that the primary reason for this is that if there is a repair that needs to be made down the road, who is going to pay for it. Therefore, private ownership is strongly discouraged. Mr. Houtman showed on the map that there is a manhole at the intersection of Edwards and Arlington which is only two feet deep. There is another manhole at Arlington and Edgewood Avenue which is also not deep. The way the grades are, some of the lots would have to pump to the sanitary sewer so we thought that a gravity collection system would be best. Mr. Houtman said that it has been their position that they have been open and forthright from the beginning about how they were doing this and it was their intention to offer this to the Borough.

Mr. Donaway said that his concern was that going through multiple private properties would be a problem if a repair had to be made. Mr. Donaway told Mr. Houtman that there is a difference between "discouraging" and "prohibiting". Mr. Donaway said that at this point, he would defer to Mrs. Mulvena, our Engineer.

Mrs. Mulvena said that the line has to be dedicated to the Borough because the PA DEP will not permit it private ownership. She said that the Borough will have to handle any problems that come up. The Borough does have an easement; the problem is that it costs more to do work on private property.

Mr. Houtman said that a minor issue was that Brookhaven was changing it from a Land Development to a Land Development Subdivision Plan. The terminology is that for a house division, it is called a Land Development Subdivision. Mrs. Mulvena said that we use the County's Ordinance and the County has specified that it is a Subdivision Development. She said that this is not an issue at all.

Mr. Houtman said that the last issue was that of the cost improvement estimate. He has an estimate of \$144,000 which was submitted to the Borough Engineer. Mrs. Mulvena had a cost that was nearly double. Some of the costs were the cost of the sanitary sewer line. Mrs. Mulvena said that the installation cost is higher. Mrs. Mulvena said that the purpose of this is that if the builder defaults, this is the cost for the Borough to complete the work. She said there is no way the Borough can do the work for the cost submitted by Mr. DiFiore. Mr. Houtman said that they would like the opportunity to work with the Borough Engineer to reach a compromise on the cost. Mr. Houtman said that if there is a default, the Borough does not have to complete the project; they only have to stabilize it. Mrs. Mulvena said that we are a Municipality and we have to follow the Municipality Procurement Law. We are bound to follow the Municipality Procurement Laws.

Mr. DiFiore addressed the Council and told them that he grew up in Brookhaven and he used to walk on this lot when he was a child. When he saw that the lot was for sale, he wanted to purchase it to build seven single family homes on it. He said that he hopes this can be worked out and he will be happy to answer any questions that Council may have.

MAYOR'S REPORT

Mayor Hess had no report.

ENGINEER'S REPORT

Mrs. Mulvena reported that we are trying to finish the commercial EDU count for Mr. Smith (the Tax Collector). She said that it looks like 100 units were not billed. We asked Chester Water Authority for a copy of the water consumption for all the businesses and based on house equivalent, we took water consumption from a house versus what a business would use and then calculated how many additional uses for a business. How much more sewage is a business using based on their usage? We did make adjustments for the Brookhaven Swim Club because there is no way that you can compare the amount of water used to fill a pool versus sewage consumption.

SOLICITOR'S REPORT

Solicitor Stone reported that he would recommend to amend the Approval of the Plan for 315 W. Brookhaven Road for Approval for Final Subdivision, subject to the Borough Engineer's comments, at the February Council Meeting.

Mr. Stone reported that for an update for the International Residential Code there is an issue about the date when the Borough first addressed Flood issues. The earliest date that Mr. Stone can confirm is June 6, 1977. Mr. Stone is proposing that we use this date and he can revise the draft with this date and then move forward to advertise this.

Mr. Stone said that the Borough had received an inquiry from a company that is proposing to archive facetime and social posts. They would do recording of all social posts on the Borough website. They would keep all the posts to ensure that if we needed this information at a later date, it would be available. Mr. Stone said that he thinks it is only an issue if we are deleting things from the website. It would cost at least \$200 per month to use this service. Mr. Stone said that his thought is for the office staff to do screen caps or capture the posts. Mrs. Fooks said that we do not delete posts on the website page. Only a Borough Official can change a post – it cannot be done by a citizen. Mrs. Fooks said she does remove events that have passed. Mr. Stone said that in these cases, such as advertising that flu shots are available, there is some record of it, such as a flyer, etc. It was decided that there is no interest in using this Company.

CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, CHAIR FIRE COMMITTEE, CHAIR VETERANS' COMMITTEE AND CHAIR POLICE COMMITTEE – MS. LESLIE

Ms. Leslie reported that if trash is not picked up, the residents are asked to call the Borough Office to let them know. Please do not put it on Facebook because that will not get it picked up.

Ms. Leslie asked Chief Montella if there was a gas leak this evening (in the vicinity of Patton Avenue). Chief Montella said that it is not an actual leak but the Fire Department is working on it now to try and pinpoint where the odor is coming from.

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

Ms. Sawicki reported we have a bill list that we will approve at the February Council Meeting.

Ms. Sawicki said that Mr. Swayngim would like to purchase a 2002 Yamaha Grizzly 600 4WD 4-wheeler, with only 170 miles and comes with a plow. The cost is \$2,000 but it may need a carburetor, battery and an oil change. Ms. Sawicki feels there is a need for this. Mr. Swayngim is the only person available to shovel, since the other employees are out plowing the streets, and this would save time and get the plowing done more quickly. Mrs. Fooks asked what is the Blue Book Value on this. Mrs. Mulvena said she googled the Blue Book Value and is \$2,017 as an average price; however, this piece of equipment needs some repairs. Mr. LaPera will talk to Mr. Swayngim about this to get more information

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 was absent and had no report.

PLANNING COMMISSION LIAISON, CONDO ASSOCIATION CHAIR, MEMBER FIRE COMMITTEE AND MEMBER HISTORICAL COMMITTEE – MR. PAPPAS

Mr. Pappas reported that the Planning Commission did not meet in January and had no further report.

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

Mrs. Fooks reported that the Ordinance Committee will meet on February 21st. The next Chip Vaccination Clinic will be on April 2nd, from 4 to 6 PM in the gym. The cost for the Chip is \$35 and the cost for vaccinations range from \$15-\$20 (for dogs and cats).

VICE PRESIDENT OF COUNCIL, CHAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING EARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS – MR. LA PERA

Mr. LaPera reported the Zoning Board will meet on February 12th. A new business that will be moving into the Brookhaven Shopping Center is looking to get a bigger sign.

The Recreation Board will meet on January 31st and will be discussing the Easter Egg Hunt.

Mrs. Fooks commented that Parkside is having a 100th Anniversary on the same day as Family Day so we should be mindful of reserving things early.

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

Mr. Donaway reported there was a Personnel Meeting on January 15th regarding the hiring of a Police Chief. We will have more to report at the February Council Meeting.

There is an issue that came up during a Basketball Game. Mr. Swayngim saw a 16-year-old putting fries in the fryer and told the youth that he couldn't operate the fryer because of his age. The youth said that he has always been doing this. Mr. Donaway said that we need a policy regarding the age limitations on operating a fryer. Mr. Leslie asked what the Insurance Policy states about this; Mr. Donaway said they have no policy about this. After discussion, it was decided that a person has to be at least 18 years old to operate a fryer. We are going to have a Policy for Operation of all Concession Stands and it was recommended that there be at least one adult in the stand and training on the equipment.

It was suggested by Mr. Ruggieri (seated in the audience) that there should be training for all persons using this equipment. Mr. Dykes (seated in the audience) googled this on his phone and it is a Pennsylvania State Law that the legal age for operating this equipment is 18 years old. Mr. Hampton said that there have been fires in some of the restaurants from fryers that haven't had the oil changed. Mr. LaPera will work on putting together an Ordinance for this.

Mr. Donaway said that we have to look at roof leaks – there was one in the Community Room. The toilets in the jail cell were leaking and the water had to be turned off.

We are working with AT&T to see if we can get a better deal with our phones and computers.

Durkin Field had complaints about the gates not opening. It was found out that the gates were designed to only open one way. We are working on this so they can open both ways.

The SPCA contract is up on June 1st.

We are making progress on the water problem on Cooper Road. The resident is trying to get the water diverted away from his house. We are trying to eliminate Hilltop as the source of the water. We are checking old minutes to see the date when Hilltop got approved.

Public Works is cleaning up the storm sewers.

The Water Company is still working in the Borough. They are working under PennDot permits.

INSPECTORS' REPORTS

BOARD OF HEALTH – MR. BOB GRANT

There was no report.

FIRE MARSHAL – MR. LESLIE

Mr. Leslie had no report.

ZONING OFFICER – MR. HAMPTON

Mr. Hampton reported that he received plans today for the proposed Chili's regarding their signs. The owner of the Shopping Center is also looking at the proposed signs.

Freddy's is getting ready to turn the ground; they have a projected opening date of September. There is no opening date for Chili's or Chick fil A restaurants.

Mrs. Mulvena said she has no plans for Chili's. They cannot get permits until their plans are submitted to the Engineer.

The Town Watch Spaghetti Dinner is Sunday, February 10th from 2 to 6 pm. The cost is \$10/adult and \$4/children 12 and under.

FIRE CHIEF – CHIEF MONTELLA

Chief Montella reported that the Water Main Project on West Brookhaven Road was not patched properly. Cars were actually driving on the opposite side of the road to avoid driving on it. Chief Montella wrote a letter about this and they repaved the patch work with milling machines. It is much better now and in better shape until it gets repaved completely.

PUBLIC DISCUSSION

There was no further public discussion.

ADJOURNMENT

There was no other business to come before Council. Mrs. Fooks made the motion and Ms. Leslie made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 8:10 PM.

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary