

MINUTES  
JANUARY 5, 2016  
BROOKHAVEN BOROUGH COUNCIL MEETING

At 7:00 PM Council President, John Wilwert, called the regularly scheduled meeting of Brookhaven Borough Council to order. The meeting was held in Council Chambers at the Brookhaven Municipal Center.

Mr. Wilwert led in the Pledge of Allegiance to the American Flag and Mayor Hess read the names of the Borough Residents who had passed away during the month of December—Lawrence Wright, Anne Wilson, Joanne Mattes, Janice Burke and Mary Sablian.

The record shows the following people seated at the Council Table: Mr. Donaway, Mrs. Fooks, Mr. LaPera, Ms. Leslie, Mr. Linowski, Ms. Sawicki, Mr. Wilwert, Mayor Hess, Solicitor Adam Matalowski, Engineer Catania and Borough Secretary Mrs. McKinley.

PRESENTATIONS FROM HOLIDAY PARADE COMMITTEE

Councilman Donaway, Mayor Hess and Holiday Parade Committee Member, Linda Riffert gave trophies to the following winners:

- Best Marching Band – Sun Valley High School Band
- Best Performance – Joan’s Dance Studio
- Best Marching Unit – Sun Valley ROTC
- Best Float – AMF Auto Clinic
- Best Group – Brookhaven Girl Scouts

Mayor Hess said that AMF Auto Clinic is one of the “greatest sponsors we have”.

Everyone except the Brookhaven Girl Scouts had representatives present to accept their award. Following a round of applause, photos were taken with the groups displaying the trophies they won.

Mr. Donaway asked representatives from the Knights of Columbus, Fire Police and Town Watch to come forward. He thanked each group for their help and support of the Holiday Parade and gave each representative a check.

Among others, he thanked Brookhaven Borough Council for their constant support, Giant Supermarket, Luongo Towing, Town Watch, Fire Police, Police Department, Public Works Department, Knights of Columbus and Camp Haven. He thanked Mayor Hess for being the DJ as well as Ed Riffert, Sr., Mike Garvey and Betty Kelley who were the judges.

FIRE POLICE SWEARING IN – Mayor Hess

Mayor Hess called Fire Police Captain David Schlott, Lieutenant Ben DeHaven and Robert Owsiany forward. He administered the Oath of Office to them and thanked them for their volunteer service.

PUBLIC DISCUSSION

Mike Garvey, asked Council when they were going to work as a team. He spoke about the Shoppes at Brookhaven and said it was his understanding there could not be auto repair or auto related business in that shopping center. The unnamed proposed store does oil changes, etc. Mr. Wilwert said he did not recall it needs to be addressed. Ms. Leslie said she reached out to Mr. Hill’s daughter, Morgan but she has not gotten back to

Minutes January 5, 2016 Brookhaven Borough Council Meeting

her. Mrs. McKinley said Morgan is on vacation. Mr. Garvey said he thought the Borough owned a piece of the Water Company property where the old log cabin was. He thought this transpired when Mayor Garzia, Rachel Irvine and Councilwoman Joan Arnold were working on the log cabin project. Mr. Garvey thinks the Borough should “put a little white fence around that area”. Mr. Wilwert said he would look into the proposed tire business and the possibility of a deed to a portion of the Chester Water Authority Property.

Laird Shively, 421 Sir Galahad Drive said he regrets having to come before Council to say what he has to say but he’s concerned about the presence and well being of the peacock who has taken up residence in the Borough. The bird has become a problem for him and his wife. The bird has picked out their front porch railing as its perch. It defecates all over the porch. This has been going on for two months and he’s tired of cleaning up the mess the bird leaves behind. He and his wife do not want to see any harm to the bird but he does not want the situation to become a health issue. This bird should be removed from the Borough. Mr. Wilwert asked Mr. Schlott about catching the bird. Mr. Schlott said it is very difficult to catch the bird. Peacocks are known to survive during the winter. Mr. Wilwert asked Solicitor Matlawski if the owner has any responsibility for the bird. Mr. Schlott said our Police Department has the name of the owner. Mr. Shively asked if the bird could be tranquilized? Mr. Schlott said no. Mrs. Fooks said there was a man with a pickup truck playing the mating call to see if he could attract the bird. Mr. Schlott said we tried that too with a police car. Mr. Schlott said peacocks will eat anything on the ground. They will feed at a bird feeder. The peacock frequents the Camelot Drive, Sir Galahad Drive, Marianne Drive area. Mr. Schlott said he can’t catch the bird. He’s already spent a lot of time trying. He explained how he had caught the first one and was able to return it to its owner. Mr. Schlott will give Mr. and Mrs. Shively his card. Mr. Wilwert said he would like to find out what the liability of the owner is. Chief McGoldrick said there is a bird rescue—Tri State Rescue and he will do some research via that group. Mr. Shively thanked Council for the basket of fruit they sent during his illness and expressed thanks for the many years and good times he had while he was employed by the Borough. He said “it was a great ride”. Mr. Wilwert told him that his hard working keeping parts of the Borough cleaned up was noticed by a lot of people and he thanked him for the good job he always did.

David Schlott, 3551 Edgewater Lane said 2015 was a “whirlwind time” in the Borough. Not only do we have a multi-million dollar shopping center coming in, improvements are being made by Lowes and Shop-Rite in Plaza 352. This is the upper 1/3 of Edgmont Avenue and other things are going on along Edgmont Avenue in the Upland Road to Trimble Boulevard section too.

FIRE CHIEF’S REPORT – Chief Montella

For the month of December plus 2015 totals, Chief Montella reported the following:

<u>Type</u>	<u>Month</u>	<u>Year</u>
Fire Incidents	2	36
Non-Fire Incidents	12	206
Mutual Aid	16	285
Drills	4	52
Total	34	579

<u>Loss</u>		
Structure	\$ 0	\$ 52,000
Contents	0	38,000
Vehicles	0	3,000
Loss Total	0	93,000
Property Endangered	0	2,595,000

Minutes January 5, 2016 Brookhaven Borough Council Meeting

There were no firefighter or civilian injuries nor were there any civilian injuries or deaths during December. For 2015 there were 3 firefighters injured.

<u>Manpower</u>	<u>Calls</u>	<u>Avg. Pers.</u>	<u>Hours</u>	<u>Year Total Hours</u>
Fire	34	19	412	6,686
Training	4	30	135	2,462

Brookhaven Volunteer Fire Company responded to 2 building fires in Brookhaven. One at 532 West Brookhaven Road (Stone Hill Apartments) and one at 280 Bridgewater Road (Trimble Run Condominiums). They also responded to 4 motor vehicle accidents with injuries. Went on a call on Charles Avenue requiring PECO response and the fire company also assisted the Emergency Medical Services on two cardiac arrest calls.

They assisted Upland on a working fire on 24<sup>th</sup> Street at the old Senator Bell property; assisted Middletown on a building fire at 724 Old Middletown Road; assisted Chester Township on a commercial building fire at Cintas Corporation in the industrial park; also assisted on a motor vehicle accident with injuries at Concord Road at McDonald Boulevard; assisted on a two block fuel spill on Rainer Road; assisted Chester on a 2 alarm building fire at 2<sup>nd</sup> and Jeffrey Street.

Chief Montella said the 2016 Fire Fund Drive paperwork has been mailed. Please help them help you by supporting their fund drive.

Emergency Medical Services Statistics

For the month of December there were 75 transports, 17 refusals, 4 assists for a total of 96. The 2015 total is 1,154.

The Call Total for Boroughs for December is Brookhaven 52 - 74; Media 23 - 5; Rocky Run 46 - 0; Parkside 45 - 2; Middletown 50 - 2; Chester Township 47 - 2; Nether Providence 65/51 - 1; Aston 17 - 0; Upland 57 - Rose Tree 73 - 0; Springfield 44 - 0; Lower Chichester 39 - 0; Chester City 100/82/83/81 - 2; Swarthmore 14 - 0; and Darby No Number - 1. There were 2 2<sup>nd</sup> Emergencies for a yearly total of 38 2<sup>nd</sup> Emergencies.

POLICE CHIEF'S REPORT - Chief McGoldrick

Chief McGoldrick welcomed Messrs. Donaway and LaPera to Council and welcomed back Mrs. Fooks. He wished them good luck.

Chief McGoldrick spoke about an incident 3 weeks ago where someone was selling a motorcycle on Craig's List. The owner told the prospective buyer his address and the prospective buyer never showed up; however, The motorcycle was stolen. When selling things on Craig's List, for example, don't give your address or have anyone meet you at the house. Meet at the police station. Also, before you dial a phone number to a prospective buyer, hit \*67 so your phone is blocked.

Chief continued his report by saying it's getting cold now and it's heating oil delivery time. Make sure someone is home when the oil is delivered because there's someone coming around in an old rusty-reddish oil truck or a white pickup truck with an oil tank in the back pumping out the oil from your home. This scam was brought to Chief's attention by Mrs. McKinley because one of her friends' tank was pumped out. It was suggested that those who heat with oil get a locking cap for their oil pipe.

## Minutes January 5, 2016 Brookhaven Borough Council Meeting

Chief McGoldrick spoke about the Borough's redesigned police cars. We were the design of the month in June. Then we were entered into the annual contest for 2015 and it was a close race with Plainview, Minnesota. Chief asked everyone to get on line and vote. We can win \$600 worth of graphics.

Mr. Wilwert said he hopes Brookhaven wins.

### SOLICITOR'S REPORT – Mr. Matalawski

Mr. Matalawski had nothing to report this evening.

### MINUTES APPROVAL

Mr. Linowski made the motion and Ms. Leslie the second to approve the November 23, 2015 Workshop Minutes. Motion carried unanimously.

Mr. Linowski made the motion and Ms. Leslie the second to approve the December 7, 2015 Council Meeting Minutes. Motion carried unanimously.

### MAYOR'S REPORT - Mayor Hess

Mayor Hess said he officiated at a wedding here at the Municipal Center on December 31. The bride and groom donated \$100 to use as the Mayor saw fit. Mayor Hess presented a check for \$50 to Chief Montella and another check for \$50 to Chief McGoldrick.

Chair Finance and Insurance Committee, Chair Long Range Development, Member Fire Committee, Member Civil Service Commission and Chair Condo Association Committee - Mr. Linowski

Mr. Linowski made the motion and Ms. Leslie to approve the Bills for Approval List for a total of \$14,220.15. Motion carried by unanimous vote.

Mr. Linowski said that if money to be spent wasn't done by Resolution, and/or if it wasn't included in the 2016 budget it will not be honored.

### COUNCIL REPORTS

Chair Public Works and Buildings, Liaison to Holiday Parade Committee, Chair Comprehensive Plans, Member Traffic Calming Committee, Member Police Committee – Mr. Donaway

Mr. Donaway reported that he sat down with Gary Thompson and Mr. Thompson gave him his report for December.

Liaison to Zoning Hearing Board, Liaison to Recreation Committee, Member Grant Committee, Member Long Range Development, Member Condo Association – Mr. LaPera

Mr. LaPera said the telephone poles and lights on the Chester Water Authority Property will be moved to Sampson Field. This will be done in the next month or so at no cost to the Borough.

Regarding the cameras situation, we are working to get some pricing for cameras for Sampson, Eaton and Garzia Park. He will be meeting with several companies to get prices. Mr. Wilwert said that one of the

Minutes January 5, 2016 Brookhaven Borough Council Meeting

companies is the one our Police Department uses.

Business and Revitalization Coordinator, Chair Ordinance Committee, Member Condo Association, School Board Liaison, Chair Technology Committee, Chair Grant Committee and Member Police Committee – Mrs. Fooks

Mrs. Fooks said that for 2016 the Ordinance Committee will meet on the 3<sup>rd</sup> Thursday of the month at 6:30 PM. Their next meeting will be on January 21. They are currently working on an ordinance that will adopt the 2015 Edition of the International Property Maintenance Code.

Under Business Revitalization it has been learned that the old Wawa building has been sold. Also some residents were concerned that Shop-Rite may not open due to building issues. Council placed a few phone calls and it was confirmed that the rumor is not true and Shop-Rite will be moving forward with their retrofits and have no plans of leaving the Borough. Dairy Queen wants to come back into Brookhaven. Mrs. Fooks has spoken with the owner and is working on finding a good location for this business.

A web-site meeting has been scheduled for later this month with our web-site administrator, DOC Star, the Mayor and Mrs. Fooks. The purpose of the meeting is to discuss how the web-site structure will change moving forward.

Mrs. Fooks continued her report by saying it has just been confirmed that the SPCA will hold their vaccination/chip clinic here in our gymnasium on Tuesday, August 23 from 4:00-6:00 PM. This will be posted on our web-site, TV channel and electronic sign. The Borough Office sells dog licenses during normal business hours.

She ended her report by wishing everyone a happy, healthy new year.

Chair Arbor/Shade Tree Committee, Liaison to Health Inspectors and Health Officer, Member of Grant Committee, Liaison to Planning Commission, Member Long Range Development Committee and Member Fire Committee – Ms. Sawicki

Ms. Sawicki said that since November our Planning Commission has been asking for the Shop-Rite plans. Our Planning Commission wants to make sure that it will be compatible with the approved plans for Lowes. Mr. Jon Grant said that we have received no plans yet. Mrs. McKinley said Shop-Rite is aware of the fact they must go before Delaware County Planning and our Planning as well.

The Brookhaven Planning Commission will meet on January 12 to review the revised Garage Ordinance.

Chair Emergency Management Administration, Chair Recycling/Trash Committee, Chair Fire Committee, and Chair Police Committee and Veterans Committee– Ms. Leslie

Ms. Leslie said that Messrs. Wilwert and Linowski as well as Ms. Sawicki are on the Fire Committee and Mr. Donaway and Mrs. Fooks are on the Police Committee.

Ms. Leslie said that January 9 is Law Enforcement Day. Remember to thank the Police Officers.

## Minutes January 5, 2016 Brookhaven Borough Council Meeting

Chair Inspectors and Fire Marshal, Member Fire Committee, Deputy Emergency Management Coordinator, Chair Traffic Calming, Member Technology Committee and Member Historical Committee – Mr. Wilwert

Mr. Wilwert asked for a motion to waive the permit fee for the Penn State Brandywine Students to go door to door collecting money for kids cancer. This is a safer way to collect for this donation campaign than having the students on corners or in the street. Mr. Linowski made the motion to waive the permit fee and Mr. Donaway the second. Motion carried unanimously. The campaign will begin January 2 and last for 31 days, primarily on weekends. Photo ID's of all participating students are in the Police Department.

### ENGINEER'S REPORT – Mr. Catania

Mr. Catania asked for ratification of the expenses to make a repair at 4701 Chandler Drive. Mr. Linowski so moved and Ms. Leslie made the second. Motion carried by unanimous vote.

Ms. Sawicki spoke to Mr. Catania about the tree clearing behind her house on Shepherd Street. She said the tree removal has come within 10 yards of her back yard. She said it was her understanding there was supposed to be a line of trees as a buffer. She also spoke about getting an 8 foot fence erected. She is also concerned about parking problems that exist now at Memorial Park and what might be happening on Shepherd Street once the ball field behind Shepherd Street is completed. Mr. Wilwert said that Mr. Catania will give us a progress report on the Shoppes at Brookhaven and the whole property every month. Ms. Sawicki said the noise from development "is horrible". A lot of older people are being bothered by it. Mr. Catania said that Ms. Sawicki can call him any time.

### INSPECTORS REPORTS

Health Inspector – Mrs. Warfield

Mrs. Warfield thanked Council for trusting in her for another year. Mr. Wilwert thanked her for trusting them.

She continued her report by saying there are houses that she is keeping an eye on.

There were no other inspectors' reports.

Mr. Linowski announced that he will be having surgery on his neck/spine on January 18. He asked that everyone remember him in their prayers. If you need anything during his absence, please contact the office.

### PUBLIC DISCUSSION

Mr. Dykes from 305 West Brookhaven Road thanked Council for bringing Public Discussion back at the end of the meeting. He said going back to the tire company issue Mr. Garvey spoke about earlier in the meeting, that is covered under the Section of the things not allowed at the Shoppes at Brookhaven. R. Dykes continued saying if there is supposed to be a 50' buffer, why are they taking down the good trees. That needs to be stopped. Mr. Wilwert asked Mr. Catania to address that issue. Mr. Catania said they are taking the trees out to re-grade the area. Mr. Wilwert asked Mr. Dykes to give Mr. Catania a chance to find out what is going on. Mr. Dykes said that the Borough is still not getting the speeding situation on West Brookhaven Road under control. Chief McGoldrick will handle this matter. Mr. Dykes welcomed all Council members. He said he hopes they do not think he is "a pain in the butt" and he is willing to help wherever needed.

Mr. Garvey from Upland Road asked if Council ever had a full-time Borough Manager. We are now getting

Minutes January 5, 2016 Brookhaven Borough Council Meeting

bigger and bigger fast and Council should seriously consider this. Council members have full time jobs and full time lives. Why would you not hire a full-time Borough Manager. He said we should “stop tripping over our own toes” and asked Council to think about it.

Mr. Wilwert thanked everyone for coming out this evening and asked for a motion to adjourn the meeting. Mr. Linowski so moved and Ms. Leslie made the second. Motion carried unanimously.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary