

MINUTES
JULY 1, 2019
BROOKHAVEN BOROUGH COUNCIL MEETING

At 7:00 PM, Vice President of Council, Jim LaPera called the regularly scheduled meeting of Brookhaven Borough Council to order at 7:00 PM. He said Council President, Vawn Donaway, is running a little late. He led in the Pledge of Allegiance to the American Flag. Mayor Hess asked For a moment of silence for the borough residents who passed away during the month of June—Donald McNeal, James McGarvey (Former Basketball and Baseball Coach) and Margaret Willoughby. Mr. LaPera said the meeting is being recorded and may be uploaded to the internet.

The record shows the meeting was held in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Suite 100, Brookhaven, PA 19015. All Council Members were seated at the Council Table except Mr. Donaway who arrived at 7:55 PM. Also seated at the Council Table were Solicitor Stone, Engineer Mulvena and Borough Secretary, McKinley. Seated at the Inspectors' Table was Chief of Police Matthew Kurten.

Mr. LaPera said we were permitting Mrs. Mulvena to give her report first because she had someplace to be a little later this evening. Mrs. Mulvena praised and thanked the police officers and emergency responders for their professionalism and compassion when her mother became ill. Her mother was taken to the hospital.

Mrs. Mulvena explained the storm sewer situation at 4450 Marianne Drive and recommended a motion to have it repaired. This storm sewer is in the back yard. Ms. Sawicki so moved and Mr. Heller made the second. Motion carried by unanimous vote by council members present. This will be done with funds from the General Fund.

Last year the borough fixed the sanitary sewer at 3400 Mount Vernon Avenue. The sewers in this area are very deep—12 feet. Ms. Sawicki made the motion and Mrs. Fooks the second to do the sink hole 3408 Mount Vernon Avenue. All of council present voted Aye.

Mrs. Mulvena said that Lenni Electric will be back after July 4 to finish what they are working on at Edgmont Avenue and Coebourn Boulevard.

A traffic study was done on Chandler Drive. Residents had suggested speed humps to slow motorists down on Chandler Drive. Everyone at the Council Table and Chief Kurten were given a copy of the study. Mrs. Mulvena said we had to determine who was going where from West Brookhaven Road on Chandler to Coebourn Boulevard. Was it locals or from out of town. Mrs. Fooks asked Chief Kurten if our officers had written any tickets. He did not know but will find out.

Mr. LaPera asked when Chili's is going to open. It is expected to open in August. This might have an effect on traffic on Chandler Drive.

Mrs. Mulvena said The Christian Academy was letting out early and only had ½ days during the study. The speed machine tracked 100 vehicles at 4:00 AM. Mrs. Mulvena said she did not believe there were 100 vehicles at 4:00 AM. Every day the figures were checked with radar and manually. She watched to

Minutes July 1, 2019 Brookhaven Borough Council Meeting

see who was going where when leaving Giant at 7:45. She said 85% of the motorists follow the law. She said we can paint a white line down the middle of Chandler Drive. Mrs. Fooks said if that will help we should do it. Mrs. Mulvena asked Chief Kurten how the police can tell how fast someone is going. He said with Enrad and a stop watch.

Resident asked more questions about speed humps and what would happen if her “kid” was hit by a car. Solicitor Stone said PennDOT says you should have this, that or the other. The Borough did a study and if someone is speeding and hits her child what is legal about it. That is a catch 22—went off because of the speed hump it is catch 22. One speed hump is \$7,500. Emergency crews must evaluate the area. Mrs. Fooks made the motion and Ms. Leslie the second to put the white stripe down in accordance with the engineer’s instructions. Motion carried by unanimous vote; however, it was suggested that the vote bell held until Mr. Donaway gets here pending if we have the equipment to do it. John Wilwert was in charge of Public Works for 15 years when the last stripe was put on par of Trimble Boulevard.

PUBLIC DISCUSSION

On behalf of Town Watch, John Wilwert, 30 Trimble Boulevard welcomed Chief Kurten. Mr. Wilwert said he is here tonight to give a check from Town Watch for \$850.00 to help handle the Home Town Hero’s flags installation. Mr. LaPera thanked them for their generous donation.

David Schlott, 3551 Edgewater Lane, congratulated Council and the committee on their choice of our new police chief. He welcomed Chief Kurten. Mr. Schlott asked where the banners were going to be hung. Mr. Heller said 14 on Upland Road, 10 on Trimble Boulevard,

BROOKHAVEN BUSINESS & PROFESSIONAL ASSN. REPORT – Mr. Sredenschek from Bryn Mawr Trust

Mr. Sredenschek said they will have a 5K Run from 9:00-10:00 AM on Family Day.

SCHOOL BOARD REPORT – Mrs. Ford will be back in October.

FIRE CHIEF’S REPORT – Chief Montella

During the month of June there were 4 fire incidents, 15 non-fire incidents, 33 mutual aids and 6 drills for a total of 58. There were no losses to structures, contents, vehicles and there was no property endangered.

There were no firefighter or civilian injuries or deaths. On the 58 calls there was an average of 13 firefighters participating for a total of 582 hours. On the 6 training sessions there was an average of 20 participants for a total of 420 hours. Brookhaven Volunteer Fire Company responded to the following incidents in Brookhaven: a building fire at stone Hill Court Apartments, drowning at Hilltop Swim Pool, Accident with entrapment at 4700 block of Edgmont Avenue, gas leak at Edgmont Avenue/Roberts Road, accidents at Edgmont/Cambridge and Edgmont at Dutton Mill Road. Assisted Chester Township Fire Company on a building fire in the 1500 block of Elson Road in Toby Farms, accident on I-95 South involving a tractor trailer, assisted Upland Fire Company on a building fire on 8th Street and a fire

Minutes July 1, 2019 Brookhaven Borough Council Meeting

at Crozer Chester Medical Center, Assisted Chester Fire Department on covering the city while they operated at a hazmat/building fire, assisted Rocky Run Fire Company on a building fire at Lima Estates, Assisted Aston Township Fire Department on a fire on Brackel Lane. Brookhaven Volunteer Fire Company's monthly training involved drafting operations, incident safety officer state class, swim club drill with lie guards/EMTS/firefighters going over swim club incidents, water rescues—CPR/AED scenerios—falls and boarding packaging patients. The June 2019 Ambulance Report shows 87 transports, 31 medical refusals, 2 lift assists. No DOA's. 5 Call backs enroute and 9 fire company assists for a total of 134 calls. There were 8 second emergency calls. Broken down Brookhaven 52 had 63 calls, Aston 17 had 5, Chester City 81/82/100 had 25, Media 23 had 12, Middletown Township 50 had 14, Nether Providence 51/65 had 2, Parkside 45 had 4, Rocky Run 46 had 2 and Upland 57 had 4.

POLICE CHIEF'S REPORT – Chief Kurten

Chief Kurten reported the police department investigated 12 thefts (\$13,636), 1 attempted theft, 2 robberies (\$10,022), and 1 motor vehicle theft (\$22,000). There was \$45,660 reported stolen and \$32,180 was recovered. On June 6 an attempted robbery occurred at Wallgreens. Officers were able to apprehend all four suspects that were still in the store when officers arrived. There was also a robbery at Lowes which is still under investigation. There were 26 persons (22 adults/4 juveniles) charged with various offenses including robbery, burglary(from April)narcotics, theft, disorderly conduct, DUT, harassment, forgery and stalking. There was 1 municipal ordinance warning a citation issued during the month.

The Security Report shows the police responded to 11 false alarms. Officers discovered 1 security violation (unlocked door) while recording 299 security checks. Security checks were also provided for the homes of residents in the borough that requested vacation checks. Police responded to 15 9.1.1. hang up calls. There were no citations and 1 warning issued for false alarms. Brookhaven Townwatch is an integral part of the community and does an excellent job patrolling the borough. The traffic Safety Enforcement Report shows traffic details were scheduled during the month of June. Police issued a total of 56 citations, 20 parking tickets and 15 warnings. Police responded to 30 car crashes (7 reportable/23 non-reportable). There were 24 hazard complaints, 24 assists rendered to motorists and 15 vehicles impounded. The Fire Police are always available when needed and they are an asset to the community. The Crossing Guards Report shows that on June 14 Brookhaven crossing guards attended the annual brunch hosted by PennDelco School District at the service center in Aston. The crossing guards were presented with certificates of appreciation by Detective Habich. Also long-time guard Robert Owsiany was presented an award by the Lions Club for his service of 19 years as a Brookhaven Crossing Guard. Under the Training Report it shows that Detective Habich and Officer Martin attended the annual Workplace Safety Seminar at Springfield Country Club on June 7, Officer Wetten taught an Active Shooter Training class on June 3; Officer Zebley attended the class on June 3 and June 4. Officer Wetten also attended Tactical Response Training (SWAT) on June 4. Detective Habich taught an Active Shooter Training class on June 6. Officer Wetten qualified Chief Matthew Kurten at the range on June 10. He also qualified Officer Zebley at the range on June 15. On June 19 Detective Habich and Officer Martin attended the Safe School Seminar hosted by the U. S. Secret Service at Neumann College. The Vehicle Report shows all vehicles are operational. The Personnel Report says that after an extensive search Matthew Kurten, formerly a Captain in the Wilmington Police Department met all the criteria required

Minutes July 1, 2019 Brookhaven Borough Council Meeting

by the Borough of Brookhaven and was hired as the new Chief of Police for the Brookhaven Police Department. Chief Kurten was sworn in by Mayor Michael Hess on June 17, 2019. Officer Ben Kyler injured his ankle while on duty at a robbery at Walgreens on June 6 and remains out on disability. The Public Relations report shows there were 5 public relations contacts during the month. The Appreciation Report shows the Tharp family from Edgewater Lane brought various cut up fruit to the officers for the excellent job done on the Walgreens robbery.

A \$100 donation was received by the police department from Hollywood Landscaping of Media for a job well done at Walgreens also. The Communications report shows all radios are operational.

SOLICITOR'S REPORT – Mr. Stone

Solicitor Stone had 3 items on his report on the current status of legal matters. Item 1 was East Brookhaven Road – proposal for multi-story self storage facility. If Council is inclined to accommodate the proposed multi-story self-storage facility on East Brookhaven Road, we will need to begin the process of amending the Zoning Ordinance and the Zoning Map to change the parcels currently zoned R-4 to C-1. Under the Municipalities Planning Code, this proposed change requires a Public Hearing, conspicuous postings at the subject property, and a direct ailing to property owners within the area being re-zoned. Prior to the Public Hearing the proposed amendment must also be submitted to the Delaware County Planning Department for review and recommendations. Item 2 – Trash, mattresses, and unwanted televisions – The Borough's Codified Ordinance at Chapter 680.05 (Ordinance 336 from 1974) prohibits a property owner in the Borough from keeping "junk, trash or debris" on their property and also prohibits the storage of "abandoned, discarded or unused objects." This would apply to the trash, mattresses, and unwanted TVs reported recently by a resident at the Workshop Meeting. A resident that notices such condition(s) should contact the Borough office to report the issue and provide the address of the offending property.

Item 3 – Open Gym – Council has discussed the potential for certain limited "Open Gym" hours at the Municipal Center to allow area residents to play basketball. He attached a draft of the Release and Waiver he proposes the Borough utilize to minimize the Borough's risk of liability. This can be printed front-and-back so it is on a single sheet of paper, and is similar to the Release used by inherently dangerous trampoline parks.

MINUTES APPROVAL

Ms. Sawicki made the motion and Mr. Heller the second to approve the May 20, 2019 Brookhaven Borough Council Workshop. Motion carried by unanimous vote.

Ms. Leslie made the motion and Mrs. Fooks the second to approve the Minutes from the June 3, 2019 Brookhaven Borough Council Meeting. Motion carried by unanimous vote.

MAYOR'S REPORT – Mayor Hess

Mayor Hess asked for a motion to approve Resolution 2019-06—A Resolution of Brookhaven Borough

Minutes July 1, 2019 Brookhaven Borough Council Meeting

Council honoring Rev. James A. Lyons on the occasion of his 25th Jubilee to the Priesthood. Rev. Lyons is at Our Lady of Charity Church. Mr. Heller made the motion and Ms. Sawicki the second. Motion carried by unanimous vote. Reverend Lyons was unable to attend because of a medical appointment so Mayor Hess will deliver the Resolution to him.

COUNCIL REPORTS

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

Mr. Pappas said he has no report because there were no meetings of any of the committees for which he is responsible.

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

Mrs. Fooks said the Ordinance Committee did not meet on Thursday, June 20. Their next scheduled Meeting is Thursday, July 18 at 6:30 PM if needed.

Business Revitalization News shows that we have a new beer distributor named Ber Barn which is in the old Wine/Spirits Building on Ridge Road. As everyone can see, Chili's and Freddy's structures are up and hope to open at the end of Summer/nearly Fall. Chic-fil-A's construction will begin momentarily and they hope to be finished by the end of November or the first week in December. MAC Hydraulics is open for business on Chester Creek Road.

The Tech Committee's website planning is still in process.

There is no news from the Brookhaven Business & Community Association.

Community News shows it's now pool season and the Brookhaven Swim Club (a private swim club not owned by the Borough) is open. Please yield to pedestrians crossing Chester Creek Road. The pool will need new signs.

Just a reminder we have a fireworks ordinance in place prohibiting fireworks to be set off within 150 feet of a structure. The police will issue citations if they see this occurring. Some have asked why all of a sudden we are concerned with fireworks. It is because Pennsylvania Law has changed and the larger fireworks are allowed to be purchased by Pennsylvania residents. This week will be a hot dry one and we don't want house/mulch fires to occur not to mention these larger fireworks 6 are extremely loud and cause dogs to panic.

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

Minutes July 1, 2019 Brookhaven Borough Council Meeting

Mr. LaPera said there will be no Zoning Hearing Board Meeting in July because they have nothing on their agenda; however, there are things on the horizon.

The cameras in Sampson Park will be ready to go in a couple of weeks. Gary Thompson gave him some information on repairing the tennis courts in Sampson Park and converting one to a basketball court. It may cost \$500-\$600.

Interest was expressed for having a teenage and adult basketball league in our gym. Harry Swayngim is looking at the schedule.

CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, CHAIR FIRE COMMITTEE, CHAIR VETERANS COMMITTEE AND CHAIR POLICE COMMITTEE – Ms. Leslie

The next recycling event will be on October 11 from 9:00 AM until Noon. The shredder will be here and anything with a plug will also be accepted. No action has happened on any other of her areas of responsibility.

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 made the motion and Mrs. Fooks the second to approve the Bill List dated July 1, 2019. The total is \$60,959.78. There were no additions or deletions. Motion carried by unanimous vote. Ms. Sawicki made the motion and Mrs. Fooks the second to authorize the Borough Engineer to advertise for bids for 2091/2020 Road Deicing Salt with Parkside Borough piggybacking from us. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Ms. Leslie the second to authorize the Borough Engineer to advertise for Trash/Recycling Bids. Motion carried by unanimous vote.

Ms. Sawicki asked everyone to get their 2020 budget figures to her on or before August 16.

Ms. Sawicki made the motion and Ms. Leslie the second to retain the services of John McLaughlin for Labor Relations (Police Contract). Motion carried by unanimous vote.

Ms. Sawicki made the motion and Ms. Leslie the second to retain the services of Roseann McGrath also for the Police Contract.

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

Minutes July 1, 2019 Brookhaven Borough Council Meeting

The Technology and Communication Committee meets on Thursday July 11. He does not have an updated timeline on the Delco Alert Project and they plan on selecting the administrators and training for the administrators as well as creating the literature and communication plan. Both should be done by August and they plan on kicking it off at Family Day.

The Historical Committee report shows the Hometown Hero Banners are almost ready to begin printing. He received the proofs for all 55 banner applications last week but some had corrections to be made. The corrections were submitted today. They hope to get the green light for printing by Wednesday and to have the banners here, ready to hang within about two weeks. They did make a few changes to the banner locations. They will be displayed on Upland Road, Trimble Boulevard, Brookhaven Road, Lincoln Drive, Coebourn Boulevard, Chandler Drive and Dutton Mill Road. They have 55 banners for the first stage and applications for the second stage will be open early in 2020.

The Board of Health Report shows he has no update on the spotted Lantern Fly Program, only a brief exchange with the representatives that informed us that all the borough owned properties have been surveyed so we are waiting on a schedule for treatment.

There was nothing to report on Civil Service matters.

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

At a Personnel Meeting on June 27 for Council to review the proposed Public Works tentative agreement. With an increase of approximately 3% for 2018 and 2019. Ms. Sawicki made the motion and Mr. Heller the second to adopt the proposed contract with the following increases: 2021 1%, 2022 2% and 2023 3%. Motion carried by unanimous vote.

The June Public Works Report shows they are still filling potholes; they worked removing flood water from Memorial Park building—modifications may be needed to correct this problem; one sewer call on Edgmont Avenue at Brookhaven Road because of heavy grease from Abruzzi's Pizza—the Plumbing Inspector was notified; delivered recycling cans throughout the entire borough and are now delivering left over extra cans to residents that want them; finished planting all street islands and clock tower, started weeding the butterfly Garden and the borough hall; set up stages for the concert in the park; removed fallen tree from lower field at Memorial Park and installed new led outside lights at Memorial Park. Mr. Donaway continued his report saying they are inviting the Public Safety Officials and Police Representative to the Inspectors Meeting for Carman's and junk yard on East Brookhaven Road; there may be a self storage unit building at 4901 Chester Creek Road; looking into Open Gym Hours for the public to play basketball, solicitor working on Waiver of Liability; Gary Thompson, Jim LaPera, Harry Swayngim, Janice Sawicki and Eileen Mulvena will attend the Public Works Meeting; Public Works cut the islands on PennDOT property—Hilltop Drive, West Brookhaven Road at Bridgewater Road and W. Brookhaven road at Creek Road; there was a new storm sewer collapse on Arlington Avenue and Sunoco will be finished by Friday doing their pipeline maintenance work on Coebourn Boulevard

Minutes July 1, 2019 Brookhaven Borough Council Meeting

Minutes July 1, 2019 Brookhaven Borough Council Meeting

Ms. Sawicki made the motion and Mr. Heller the second to repair the storm sewer collapse at 3400 Edgewater Lane. Motion carried by unanimous vote.

Mr. Donaway wished everyone a happy and safe 4th of July.

INSPECTORS' REPORTS

The only inspector to have a report was Mr. Hampton who said he has a court date for a post and rail fence at 4401 Chandler Drive. He said that the Zoning Hearing Board will meet on August 13 to hear the case of Donald Drew for a fence at a corner property at 4401 Chandler Drive at Mount Vernon Avenue on the right side of the house making two front setbacks of 30' (Section 1416.04 (A) (2) of Borough Code seeking 10' relief on Mount Vernon side for a split rail with wire fence to keep big dog in and room for the dog to roam.

PUBLIC DISCUSSION

Mrs. Fooks asked if there was any update on the old Wawa building. Mr. Hampton said no demolition permit has been issued. They are waiting for PennDOT; however, sign permits were issued.

Bob Watson from 701 Lincoln Drive asked if Council said lids were ordered for the recycling cans earlier in the meeting. Mr. Donaway said yes. Mr. Watson asked if the money the residents pay for them goes back into the borough's funds. Mr. Donaway said yes.

With no other business to come before Council, Ms. Leslie made the motion and Mrs. Fooks the second. Motion carried by unanimous vote.

Respectfully Submitted
BROOKHAVEN BOROUGH

Mary Ellen McKinley
Borough Secretary