

**MINUTES**  
**BROOKHAVEN BOROUGH WORKSHOP MEETING**  
**MONDAY, JULY 27, 2020**

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.

The record shows the meeting was held by Virtual Teleconference and the following people participated in the meeting by Zoom: Council President Mr. Heller, Councilpersons Ms. Sawicki, Mrs. Heller, Mrs. Fooks, Ms. Leslie, Mr. Pappas, Mr. Vazquez, Engineer Mr. Catania, Solicitor Mr. Wills and Borough Office Manager Mr. Wilwert. Mayor Hess was not present for the Zoom Meeting. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

**PUBLIC DISCUSSION**

There was none.

**SOLICITOR'S REPORT – MR. JAY WILLS**

Mr. Wills reported the following:

3607 Victor Avenue – This was a long standing property that we have been in court with recently. On July 1<sup>st</sup> we had filed a petition, basically a petition for preliminary injunction. This is a property that has multiple violations of the International Maintenance Code. We went before Judge Jack Whalen on July 1<sup>st</sup>. We had the Borough Code Enforcer testify with regard to the specific violations. The Court ordered the property owner to bring the property into compliance within 30 days. We will be back before Judge Whalen this Thursday, July 30<sup>th</sup> at 11 am to get a status report on her ability to get the property up to code. Mr. Wills has instructed the Code Enforcement Officer to visit the property earlier this week and to take some updated pictures so the Court has a total and complete picture of the status of that property. We will keep Council apprised after the hearing on July 30<sup>th</sup>.

Brookhaven Storage Development – This is a land development project. Last week the Brookhaven Planning Commission met and they voted unanimously to recommend conditional approval of the reverse subdivision of the land development plan. Mr. Wills has drafted a resolution for Borough Council's consideration at the Council Meeting on Monday, August 3, 2020 to conditionally approve that plan for reverse subdivision land development. Borough Council should have a copy of that proposed resolution. There are approximately one dozen conditions attached to that resolution.

Carman's – 4209 Edgmont Avenue. This is a property that was supposed to go to settlement earlier this month. Apparently there have been some glitches between the Court appointed Conservator and the buyer. There was some water found in the basement so they are working out a resolution to that issue. In the meantime, the Office Manager has brought to Mr. Will's attention the property maintenance ongoing issues about the landscaping. There are a lot of weeds and debris that have come to light. Mr. Wills has spoken to the Attorney for the Conservator. They have temporary ownership of the property. The Attorney has assured us that the landscaper will be over there this week to resolve many of those property maintenance issues.

Dunkin Donuts – This was a minor land development project. Borough Council had provided approval for this project in May. This is the old WAWA store on Edgmont Avenue. Mr. Wills has finalized a draft of the developer’s agreement and security agreement as well as the storm water management agreement. These have all been forwarded to the developer. They have been signed and the various fees have been paid. Approximately \$60,000 has been tendered to the Borough Office Manager today for improvement security, Solicitor’s fees, and Engineer’s fees. Mr. Wills said that building permits may be issued later this week to the contractor so renovations can begin for this project. Mr. Wills said that this property has stood out as an eyesore to the community for many years.

Animal Control Ordinance – Mr. Wills has been working with the Ordinance Committee and he has made some revisions to that proposed Ordinance. This will be subject to a vote for possible publication and advertising for that proposed Ordinance at the August 3, 2020 Council Meeting. The vote to adopt the Ordinance would not take place until the September Council Meeting.

29 Borough Audit – The Auditor had recently contacted Mr. Wills asking for a status on any pending litigation affecting the Borough that had an assessment or claim in excess of \$5,000. Mr. Wills was pleased to report to the Auditor that we have no claims or any lawsuits affecting the Borough that exceeds that amount. Mr. Wills said that is certainly a compliment to Borough Council. There are a lot of towns in Delaware County that cannot say that; they have claims and lawsuits pending that put their taxpayers in fiscal peril. That is not the situation here in Brookhaven Borough and that goes to the judicious decisions that have been made by this Borough Council and the Borough Councils in the past.

Arbor Development – This is a potential subdivision and the Brookhaven Planning Commission will take a look at this when they meet in August. This is a simple subdivision application off of Zoar Street. There is an issue about applicable Zoning whether it is R1 or R2. Mr. Wills has given a recommendation to the Borough Engineer that this application should be reviewed utilizing the R1 Zoning District.

#### MAYOR’S REPORT

There was no report.

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

Mr. Vazquez reported that there was a storm sewer issue in the 3300 block of Edgmont Avenue, near the CVS Pharmacy. We will be responsible for repairing this even though it is on a PennDOT state road. We placed some cones around it.

There have been no recent Zoning Meetings.

Mr. Heller asked Mr. Catania to explain why PennDOT has dumped the storm water repairs on us. Mr. Catania said that PennDOT is going back to an antiquated law dating back to 1929 or 1930 which indicates that Boroughs are responsible for storm drainage on state roads. That interpretation has varied during the past years and during the last five years, PennDOT has taken even a less “hands on approach” of maintenance of storm sewers. They have basically left it up to the individual towns to address the issue of storm sewers.

Mr. Catania said that it makes no sense for us to fix the storm sewer drains on Edgmont Avenue or any other state highways. We have enough problems to deal with here without dealing with the state roads. Mr. Catania said that we have been back and forth with them about this subject and the only possible remedy would be to change the state legislation about this. Some type of legislation that would have PennDOT take responsibility for state highways to have them responsible for maintaining them. Mr. Heller said that it seems like we are stuck for taking responsibility for this and Mr. Catania said yes. Ms. Sawicki asked if we could ask State Representative Krueger to draft a bill for legislature to try to help us. Maybe she could introduce a bill to the state legislature to help us regarding the repair of underground sewers on state roads since PennDOT is responsible for all state roads. Mr. Wilwert said he did contact Ms. Krueger's office and her assistant responded that a 1945 law which was revised in 1955 comes down to state that piping and everything under the road is our responsibility. Mrs. Heller asked if we could recoup some of the money that is spent on these repairs. Mr. Heller said that he would contact Ms. Krueger to see if anything can be done about making it PennDOT's responsibility to fix the sewers. Mr. Catania said to keep in mind that the PennDOT policies go across the entire state. Any new legislation should consider the difference between urban and rural areas. Ms. Sawicki said maybe this would be the way to resolve this. Mr. Heller will get in touch with Ms. Krueger. Mr. Vazquez said that we are not the only ones going through this; maybe we could reach out to some other municipalities and get something drafted together. Mr. Heller will get the ball rolling on this tomorrow morning,

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

Ms. Sawicki reported that there will be regular Flu Shots given at the Brookhaven Community Room on Thursday, September 24<sup>th</sup> from 10 am to 12 noon. All seniors are encouraged to participate and get a flu shot.

VICE PRESIDENT OF COUNCIL, CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, MEMBER FIRE COMMITTEE, CO-CHAIR VETERANS' COMMITTEE, AND MEMBER POLICE COMMITTEE – MS. LESLIE

Ms. Leslie said she received a notice from PECO about debris disposal. She read the notice and it stated: PECO's first priority in response to any storm is to restore electrical service to customers as quickly and safely as possible and to keep the electric facility safe. To achieve these goals, PECO clearance crews have specified duties which differ from customer obligations. PECO's responsibilities are: cutting, trimming and removing trees from equipment in an effort to restore service for future reliability. The customer's responsibilities are: the disposal of branches, logs and other debris associated with damage from storms, ice, wind or other natural causes as well as debris from unscheduled emergency work. Please note: PECO cannot assist customers with the disposal of the tree debris as it would impede the crew's ability to respond in a timely manner to other power outage situations and it could also cause safety concerns. If anyone needs assistance with tree debris removal, please visit [tcia.org](http://tcia.org) to find a local tree service company that is accredited by the tree care service association. There may be a cost associated with that service.

Trash and Recycling – Ms. Leslie reported to please make sure your containers are clearly marked as recyclable with the Borough labels or put in our green cans. The trashmen will think that all unmarked containers are regular trash if they are not marked properly. We have found that when recyclable containers were not labeled properly, they were put into regular trash.

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 – MR. PAPPAS

Mr. Pappas had no report. He will have one at the August 3, 2020 Council Meeting.

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

Mrs. Heller reported that the following:

Technology Committee met in person in the Community Room on July 9, 2020. Masks were worn and social distancing guidelines were followed. We discussed Delco Alert and E-Code and Mrs. Fooks will be covering E-Code during her report.

The Police Committee met on July 21, 2020 via Zoom to discuss Personnel issues.

The Recreation Board met on July 23, 2020 in person in the Council Room. Masks were worn and all social distancing guidelines were followed. The summer concert scheduled for August has been cancelled and nothing is scheduled for September. There was discussion about the upcoming Basketball season. We received the registration dates and guidelines. There was concern among some of the members of the Rec Board that if the Borough Community Center remains closed but surrounding Community Centers are open, we will lose our players. Because of COVID we will be following the guidelines from the Governor. We are going to reach out to other communities to get their thoughts before any decisions are made. The Rec Board is going to meet again the end of August and Mrs. Fooks will be discussing the rest of the topics discussed at the Rec Board.

Mr. Heller said he wanted to interject that it does not matter to him what Aston, Media, Parkside and Chester are doing with their basketball programs. Brookhaven is one of the most proactive boroughs in the County and we are not going to follow the lead of any neighborhood municipalities. If we decide that it is too dangerous to play contact sports or have large events in our center, that is our decision. Mrs. Heller said that was discussed; we just want to reach out to other communities to see what they are doing. Mr. Heller said we have too many senior events that might use the facilities and they are in too high a risk for contracting the COVID virus. Mr. Heller said this will be our decision.

BUSINESS AND REVITALIZATION COORDINATOR, MEMBER FINANCE AND ADMINISTRATION, MEMBER GRANT COMMITTEE, MEMBER HOLIDAY PARADE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLAN COMMITTEE, ORDINANCE COMMITTEE, MEMBER RECREATION BOARD, SCHOOL BOARD LIAISON, MEMBER CONDO, TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. FOOKS

Mrs. Fooks reported the following:

The Ordinance Committee met on July 16, 2020 in the Community Room and guidelines were followed. There were also residents from Cambridge Square that were in attendance. The topic of discussion was the creation of a Food Truck Ordinance. Some residents were in favor of a Food Truck and some were not in favor citing trash concerns and the frequency of the trucks coming into their neighborhood. Mr. Wills has sent Mrs. Fooks a sample Ordinance from another town and Mrs. Fooks forwarded that to the Ordinance Committee. The Committee will work on that and we will keep Council updated on our progress. Mrs. Fooks said there are two members of the Ordinance Committee who are willing to look through our Ordinance Book and to look at the extremely old ordinances and get them to where they need to be in our society today. Some of these Ordinances are from the 60's and 70's and we need to either update them or decommission them.

Mrs. Heller, Mr. Vazquez and Mrs. Fooks will have a Zoom Meeting about E-Code on August 13, 2020 to get an understanding about how the program works and what the end result will be for anyone searching for an ordinance or code online. We will keep everyone informed on this.

The Recreation Board has cancelled Family Day this year. This is due to COVID and with the concerns of wearing masks and social distancing. We feel that many seniors would not attend because of fear of getting sick. This was a difficult decision but all agreed it is the right decision to do for this year. The health and safety of our residents have to come first.

The Chip Vaccine Clinic is scheduled for May 18, 2021 in the Community Gym.

**ENGINEER'S REPORT – MR. CATANIA**

Mr. Catania reported the following:

~ The Annual Maintenance Contract for the streets and sewer maintenance expires in August, 2020. There is a three month extension. Mr. Catania recommended that Council authorize the three month extension and for advertisement for bids for the new contracts.

~ We had two storm sewer issues. One was already mentioned on Edgmont Avenue near Upland Road. We are asking for authorization to repair that storm inlet.

~ There is an inlet in the middle of the intersection of Edgmont Avenue and Cambridge Road where the fire trucks come out. This was inspected by our Public Works Department and it needs repair. We are asking for authorization to repair that also.

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

Mr. Heller reported that he has received a lot of questions about holding Council Meetings in public places. Council has decided that we will wait until a vaccine is available before we hold public meetings. The reason is that the Governor cut the maximum number of participants per room in a public area to 25 people. We do not have 25 people at every Council Meeting but the fact that we will have to cut people off when we have big events such as Million Word Readers or swearing in of Police Officers. At those events we have had 100 people in the room so we do not want to be put in that position. We are doing fine with Zoom Meetings. Until there is a wide spread vaccine that is put in use we will remain on Zoom. Rec Board and other small committees are different because there is not a large turnout. Mr. Heller will have a full report at the Council Meeting on August 3, 2020.

**INSPECTORS' REPORTS**

**FIRE CHIEF – MR. MONTELLA**

Chief Montella said he gave his report to the Council regarding the COVID situation. In the past week and one-half we transported two more COVID positive people to facilities. It has stayed about the same every week; has not spiked higher or lower. It is a low number that we are transporting to the hospital and we are continuing to gather supplies to make sure we are ready if COVID comes back strong. Chief Montella said that he appreciates that the Borough is helping the Fire Department with getting masks. Chief Montella said that we are in pretty good shape. We will stay up to date with everything and we will keep Council informed of what is going on. Mr. Heller said that Brookhaven has stayed the same for a while and has not had an increase of deaths.

**FIRE MARSHAL – MR. LESLIE**

Mr. Leslie reported the following:

- ~ Miller Pipeline is still trying to upgrade the PECO situation with moving the meters that are inside to the outside of residential houses
- ~ Texas Eastern is doing several upgrades on Williamson Avenue
- ~ Fire pits – Mrs. Fooks is working on this. Mr. Leslie gave her some of his input about them. The Ordinance Committee is trying to see how we can upgrade that Ordinance.
- ~ Elwyn – on the 3500 block of Edgmont Avenue has been finalized (this was the site of the old Franklin Mint Credit Union).Mr. Catania's office will be issuing a CO very shortly.
- ~ Mr. Leslie has received some phone calls regarding the public clothes bins located in the Brookling Shopping Centers. The clothes are piling up. The other issue is the abandoned cars in the Audi parking lot. Now there are tires that are piling up. People have reached out to Mr. Leslie saying that it is a fire hazard. Mr. Leslie will call the person in charge of the shopping center to see if things can be cleaned up. He will get back to Council when he finds out what is being done.

**BOARD OF HEALTH –**

There was no report.

**ZONING OFFICER – MR. HAMPTON**

There was no report.

**PUBLIC DISCUSSION**

Mrs. McGovern, Susan Lane, said that she is new on the Ordinance Committee and working with Mrs. Fooks to review the Ordinances. She had a question about the process of modifying an Ordinance. She talked about Ordinance 775 which is the Animal Control Ordinance. They modified 614.1 to 614.25 slightly and she had questions about this process. Mr. Hector said that once we are on E-Code, looking up Ordinances will be simplified. Any user can go and type a word and everything regarding that word will come up. Mrs. McGovern said we need to provide information to E-Code to make it easier. Mrs. Fooks said she understands what she is asking about. Mr. Wills said that Brookhaven is one of the few municipalities in the County that is not presently on E-Code and Borough Council should fast forward ASAP to enter into a financial contract to get on E-Code. It will be so easy to just press a button and get the latest information. Mr. Heller said he doesn't think that Council will have a problem going forward with this. Mrs. McGovern asked Mr. Wills another question about E-Code. Mr. Heller said that this is turning into an Ordinance Meeting and these things should be discussed at the Ordinance Meeting. It was agreed to invite Mr. Wills to attend an Ordinance Meeting and he can answer all the questions about going forward with this project. Mr. Wills said he would be happy to attend the meeting.

Mrs. McGovern asked a question about PennDOT. She asked if we can clean the drain covers on top of the storm drains on state roads, such as Edgmont Avenue and Brookhaven Road. She said that it appears that according to the 1945 law, PennDOT said that the Borough is responsible for taking care of the storm sewers on state highways. Mr. Wills said he has no objection to the Public Works Department cleaning them. Mr. Heller said it is fine as long as there is no safety issue. We would have to have a Police Officer blocking traffic. Mr. Wills said that we should be aware that if we go down this road of cleaning and repairing the grates, we get into a situation that PennDOT will say if we repaired one, we might as well repair the rest of them. Mr. Heller said he will have his conversation with State Representative Krueger and we will go from there.

Mr. Murphy, Bradbury Road, asked about the timeframe on the Ordinance or Resolution of the Food Trucks. Mr. Heller said this will be discussed at the Council Meeting on August 3, 2020. We cannot do Resolutions at Workshop Meetings.

Mr. Donaway, John Drive, said he is going to try to assemble his Holiday Parade Committee together to see which participants we have heard back from and see what they have to say about being in the Parade. He is going to have a meeting about this on August 12, 2020.

Mr. Donaway, who was a former Council Member, wished Mr. Heller good luck in changing the state law with PennDOT about maintenance of state highways. He said that past Councils have tried to do this with PennDOT with no resolutions. He said that there is also a problem near the sewer plant; the pipe has to be repaired and Mr. Donaway said that PennDOT said they would fix the pipe if it was in a Township but not in a Borough. Mr. Donaway said he hopes the change of the state law can be moved forward as quickly as possible. He said the Borough does not have this kind of money to repair underground work on state highways. Mr. Donaway said that he heard today that they have moved into the third phase of testing the vaccine for the COVID and it looks like we are moving ahead faster than expected. Mr. Heller said he heard this might be ready by October. Mr. Donaway said he would like to have some type of a Holiday Parade.

**OTHER BUSINESS**

Mrs. Fooks asked Ms. Sawicki if the Flu Shots scheduled for September 24<sup>th</sup> are only for Seniors. Ms. Sawicki said anyone can come but Seniors especially are encouraged to come for the shots.

Mr. Vazquez said that there will be a Budget Committee Meeting on Monday, August 3, 2020 in the Council Room.

**ADJOURMENT**

There was no other business to come before Council. Mr. Hector made the motion and Mrs. Fooks made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 7:50 pm.

Respectfully Submitted,

Mrs. Joan Boyle  
Brookhaven Planning Commission Secretary