

**MINUTES
BROOKHAVEN BOROUGH COUNCIL MEETING
MONDAY, JULY 6, 2020**

At 7:00 PM Council President Terry Heller called the regularly scheduled Brookhaven Borough Council 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, Mr. Vazquez, Mrs. Fooks, Ms. Leslie, Mayor Hess, Mr. Pappas, Engineer Mr. Catania and Solicitor Mr. Wills. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

Mayor Hess read the names of the Brookhaven residents who passed away recently: Anne Mary Conmy, Robert Hickman, Alberto Palagruto, Carol Garzia, Carmela Garzia and Olive C. Bateman. A moment of silence was observed in their memory.

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:

3607 Victor Avenue – This residence has accumulated a large amount of trash and debris, primarily in the backyard. Mr. Wills filed a complaint for equity and a petition for an injunction requesting that the Delaware County Court order the property to get in compliance with the International Property Maintenance Code. The County Court of Common Pleas held a hearing on the Borough's petition on July 1, 2020. As a result of the hearing, the Court ordered the property owner to bring the property up to code and in full compliance of the International Property Maintenance Code within 30 days. The Court has also scheduled a subsequent hearing for July 30, 2020 to evaluate the property owner's compliance with the Court's order. Mr. Grant, our Code Enforcement Officer, and Mr. Wills were present at the hearing on July 1, 2020 before Judge Whelan. Judge Whelan provided very compelling testimony to the Court as to the condition of the property and the health hazards to the adjacent properties. Mr. Wills said that hopefully we will have the property in full compliance.

Brookhaven Storage Land Development – This is on East Brookhaven Road. The developer submitted revised plans for the Borough's consideration. The Brookhaven Planning Commission is scheduled to review the plans at a meeting on July 21, 2020 in the Council Chambers at 7 pm. The meeting was properly advertised in the Delaware County Daily Times so we are in compliance with the Pennsylvania Sunshine Law. The members of the Planning Commission have been informed of the meeting.

Mr. Wills and a representative from Mr. Catania’s office will be at the meeting to review the plans. Mr. Wills invited the Council members to attend and the public is invited to attend.

Carman’s – This is the dilapidated property on Edmont Avenue and we have gone to Court regarding the condition of the property. Mr. Wills reported that the property is under agreement of sale and should be closing on July 17, 2020. Mr. Wills said that the Borough is scheduled to recoup all the legal fees and court costs that we have expended on this property over the last year. Mr. Wills will be in contact with the Title Company to advise them and the buyer of all the costs that the Borough has incurred. Mr. Heller asked if we know the name of the buyer. Mr. Wills said that we do not have the name. The buyer has to comply to the existing Zoning for this property or they will have to come before the Zoning Hearing Board to apply for a variance for use. Mr. Heller thanked Mr. Wills for doing a great job in getting this problem resolved.

MAYOR’S REPORT

Mayor Hess reported to the Council that he received a letter of resignation in the last few days from Police Chief Matthew Kurten. The resignation is effective July 6, 2020. Chief Kurten is resigning to pursue other opportunities. Mayor Hess read the letter to the Council members. Mr. Heller asked for a motion from Council to accept the resignation of Police Chief Matthew Kurten effective July 6, 2020. A motion was made by Ms. Leslie and it was seconded by Mrs. Heller. The motion was unanimous.

Mayor Hess will appoint Police Officer John Zebley to act as Chief of Police immediately until we get a new Chief of Police. Officer Zebley will be sworn in on July 7, 2020.

Mayor Hess asked for Council’s permission to rehire Malcom Duff as a part time Police Officer. Officer Duff left the force three weeks ago to pursue a full-time job in Delaware but it didn’t work out. Officer Duff was an excellent part time Police Officer and Mayor Hess would like to swear him in on July 7, 2020 if Council authorizes it. Mr. Heller asked for a motion to hire Malcom Duff as a part time Police Officer. A motion was made by Ms. Leslie and it was seconded by Mrs. Heller. The motion was unanimous.

Mayor Hess reported that he has received 16 applications so far for part time Police Officers. Mayor Hess will review them and forward them to Council and the acting Police Chief. He would like to get the interviews started.

FIRE CHIEF – ROBERT MONTELLA

Chief Montella said he forwarded his report to Council for the month of June and reported the following for June:

- ~ 3 fire incidents
- ~ 24 non fire incidents
- ~ 36 calls for mutual aid
- ~ 5 drills

Total calls of 68 for June and 293 for the year

- ~ \$30,000 loss of structure and \$20,000 loss of contents for the month
- ~ \$500,000 property damage due to the accident at the Beer Barn on Edgmont Avenue

Manpower

- ~ 68 calls for the month
- ~ average of 15 fire fighters per call for month
- ~ 655 hours of service for the month
- ~ 3,441 hours for the year
- ~ 4 training sessions for the month
- ~ average of 26 fire fighters
- ~ 204 hours of training for the month
- ~ 1,212 hours of training for the year

We responded to the following fire incidents:

- ~ 1 rescue with an injured man inside a pool that was not filled with water. We assisted the EMS to remove him from the pool.
- ~ Two auto accidents; one at Beer Barn that resulted in structural damage. The Borough Engineer came out and started the process with the Building Inspector; one at Dutton's Mill Road and Maryanne Drive.
- ~ We had a gas leak at the 6400 building of Summit (at Hilltop) and we handled 9 storm emergencies from the storm on June 3, 2020.
- ~ Assisted Chester Township Fire Company on a building fire on Stinson Street and a fire at Chester Creek Business Center on Concord Road.
- ~ Assisted Aston Township on a building fire.
- ~ Assisted Chester Fire Department on a building fire.
- ~ Assisted Garden City Fire Department on a tragic building fire on Morris Lane. We attempted to rescue a man that was trapped in the building and got him out of the house but he succumbed to his injuries.
- ~ Assisted Garden City Fire Department on a fire on Wilshire Lane.
- ~ Assisted Upland Fire Department with the rescue of a tree crew. A worker was buried under a tree on Church Street.
- ~ Assisted Middletown Fire Department on a building fire on Stoneridge Lane.
- ~ our monthly training was vehicle rescue extrication, pump operations and hose deployment.
- ~ our COVID-19 procedures and practices are ongoing and are more intense since we have opened up the station.
- ~ We have had EMS transports of COVID-19 patients but we have had low levels for the past 3 weeks; however, the numbers are starting to creep back up.

~ We did receive a Federal Grant through AFG which enabled us to get 36 portable radios at a cost of \$46,680. We received an award from the Federal Government of \$39,913 which helped.

Ambulance Report

- ~ 114 ambulance calls
- ~ 70 transports to the hospital
- ~ 77 were dispatch ALS calls
- ~ 37 were dispatch BLS
- ~ 83 local calls in Brookhaven
- ~ 31 mutual aides
- ~ we have responded to 782 ambulance calls this year

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 asked for a motion to approve the June 22, 2020 Brookhaven Council Workshop Meeting Minutes. A motion was made by Ms. Leslie and seconded by Mrs. Fooks. The motion was unanimous.

Mr. Heller asked for a motion to approve the June 1, 2020 Brookhaven Council Meeting Minutes. A motion was made by Mrs. Fooks and seconded by Mr. Vazquez. The motion was unanimous.

Mr. Heller announced two promotions. The first one is Matt Copple to full time worker. Mr. Copple has worked part time here for two and one-half years and since the departure of Dawn Jones, Assistant Borough Secretary, in January, 2020, Mr. Copple has filled in quite well. Mr. Heller asked Council to consider hiring Mr. Copple as Inspector's Clerk at \$18.00 per hour. He will be afforded all of the benefits of a full-time office staff worker, less medical. He is forgoing Medical benefits until January, 2022. Mr. Heller asked for a motion to hire Matt Copple as a full time Inspector's Clerk at the rate of \$18.00 per hour and effective on July 13, 2020. A motion was made by Ms. Leslie and it was seconded by Mrs. Heller. The motion was unanimous. Mr. Vazquez said that Mr. Copple's position will also include a GO and an assistant Right To Know Office.

The second promotion is Billy Dewees from Public Works. Mr. Dewees has been here since October, 2017 as a seasonal employee. Mr. Heller asked Council for a motion to hire Mr. Dewees on a 90-day probationary period at \$17.00 per hour and effective on July 13, 2020 with the benefits of a Public Works Employee.

A motion was made by Mr. Vazquez and it was seconded by Mr. Pappas. The motion was unanimous. Mr. Heller said that after the 90-day probation, Mr. Dewees can join the Teamsters Union.

Mr. Heller said that he has talked to Council about a pay increase for the Borough Treasurer, Delilah McDade and bumping her salary from \$53,000 to \$60,000. This was at the employee's request. Council deliberated and put a lot of thought into it. Mr. Heller asked Council for a motion to increase Mrs. McDade's salary to \$60,000 per year, effective on July 13, 2020. A motion was made by Ms. Sawicki and it was seconded by Mrs. Heller. The motion was unanimous.

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 reported that she had some Emergency Management Reports to give from Mr. Schultz, Emergency Management Coordinator.

~ The Community Rating System Audit is in September and all necessary paperwork is being prepared.

~ Project data is being entered into the FEMA data base for COVID-19 reimbursement. Police Department reimbursement for Operations in the month of June has been submitted to the County.

~ The Chester Creek Road Mitigation Project continues with the hope to have a meeting at the end of this month.

~ Traffic Light Project – Public Works, in conjunction with our Emergency Management, would like to purchase two Honda 2200 Portable Generators to complete our emergency capabilities with the Borough's traffic lights. The recommendation is to go with Diamond Tool who has quoted a price of \$999 per unit. The other quote we received was from Suburban Lawn Equipment for \$1,049.99 per unit. With Council's approval, Public Works will complete this purchase. Mr. Vazquez made a motion to purchase two Honda 2200 Portable Generators from Diamond Tool at a price of \$999 per unit and it was seconded by Mr. Pappas. The motion was unanimous.

Mrs. Heller asked if the Police Operations reimbursement is for COVID-19 and civil unrest. Ms. Leslie said that it is probably for both.

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 she has the bill list for July. The General Fund is \$32,413.82; the Trash Fund is \$1,127.07. Ms. Sawicki made a motion to pass the Bill List so we can pay the bills for July. Ms. Leslie seconded the motion. The motion was unanimous.

Ms. Sawicki reported that the Annual Flu Shots will be given on September 24, 2020 from 10 am to 12 noon in the Brookhaven Community Room. They are free for anyone on Medicare.

Ms. Sawicki and Mr. Wilwert are working on the Graduation Banner and it should be installed by the end of July on the Walking Trail. It will be announced on the Borough Clock when it is completed.

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 that the Ordinance Committee will meet on July 16, 2020 at 6:30 pm in the Council Room. Everyone will be wearing masks and we will do social distancing. Some of our members do not have access to Zoom Meetings but we will also have the meeting on Zoom for those members who are uncomfortable to come out for the meeting. We will be discussing the Open Burn Ordinance and finalizing the Welcome Packet and possibly modifying the Fee Schedule.

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 reported that there will be a Planning Meeting on July 21, 2020 at 7 pm in the Council Room regarding the East Brookhaven Road Storage Final Plans. Everyone will be wearing masks and we will do social distancing.

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

Mr. Vazquez reported the following:

Public Works

We had three sewer calls:

- ~ 224 Swiftwater Lane - the problem was on the homeowner
- ~ 4849 Greenwood Street – the lateral was completely blocked on the road and it was the Borough’s responsibility. John Reliable Plumbing confirmed the issue and A to U Services came out to mitigate the issue. Public Works removed the dye and grated, seeded and mulched the lawn.

- ~ S. Gray Street and Brookhaven Road – there was a sewer main backup. General Sewer was called. Mr. Catania filed the proper paperwork with DEP and Public Works cleaned up the residual spill.
- ~ The new Sewer Jetter Trailer is ordered and will be here hopefully by the end of July or next month.
- ~ The sanitary lid at 4701 Chandler Drive - The riser allows the cover to move a little bit so we put in a temporary fix until we can get a permanent fix.
- ~ We repaired the concrete around the storm sewer grate on Melvin Drive.
- ~ All the water is now on in all the park buildings.
- ~ There are two new picnic benches that have been installed on the walking trails.
- ~ The cameras were fixed at Samson Park.
- ~ The flags were installed at Durkin Field and Scott Park.
- ~ We had a routine inspection of all the park buildings; the toilets are working; no overflowing and we will continue to monitor them.
- ~ The four traffic light generators are going to be maintained by Public Works and we will coordinate with the Emergency Management Team for outages, etc. to keep our key traffic lights on.
- ~ Public Works answered 75 PA1 call system tickets.
- ~ We had some downed trees at Hilltop, Scott Park, Whitely Road, Ruth Road and Meadowbrook Lane. There was a tree removed on Hilltop Drive, there was a tree removed from Scott Park and placed in the woods. At Meadowbrook Lane the tree was on Borough property so no remediation was needed. On Whitely Road the tree was on private property.
- ~ There have been no incidents or no accidents or injuries with Public Works' employees. They are continuing to practice safety procedures.

Mr. Vazquez said that he wanted to congratulate Mr. Dewees on becoming a full-time employee on the Public Works team.

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 Lowe's Corporate Office is offering to small businesses KN95 masks, She has been working with the Business Association and on June 30, 2020 Lowe's Management Staff met with Children's Early Learning Center and the Real Church staff and issued over 150 KN95 masks. If any small businesses need these masks, they should contact Mrs. Heller, Mrs. Fooks or the Business Association to request them.

There will be a meeting with the Technology Committee on July 9, 2020 and we will be discussing E-Code and Delco Alert.

On June 15, 2020, the Brookhaven Baseball Association had a small graduation celebration for the 12-year old's that are moving up. Social distancing was practiced and all their pictures are on the Brookhaven Baseball Facebook page.

Mrs. Heller wanted to thank Public Works for replacing the tiles on the clubhouse floor and also for replacing some ceiling tiles; they also did some housecleaning on the floors. This was done on June 25, 2020.

ENGINEER'S REPORT – MR. CATANIA

Mr. Catania reported the following:

~ 4849 Greenwood Street – There was a street lateral emergency that needed to be repaired. Mr. Catania asked Council for a resolution to ratify the emergency street lateral repair. A motion was made by Mr. Vazquez and it was seconded by Mrs. Heller. The motion was unanimous.

~ The 2020 Street Repaving Project – Bids were opened and the low bid was \$148,865 and the high bid was a little over \$217,000. We are going to recommend the award to A. F. Damon & Company Inc. for the low bid of \$148,865 for Phase 1 street resurfacing. A motion was made to award the bid for Phase 1 street resurfacing to A. F. Damon & Company Inc. for \$148,865 by Mr. Vazquez and it was seconded by Mr. Pappas. The motion was unanimous.

Mrs. Heller asked what streets it included. They are: Edwards, Conley, Brookwood, N. Gray, Sir Galahad, two blocks of Patton and Swiftwater. Ms. Sawicki asked if this was a one- or two-year contract. Mr. Catania said that we bid it as streets to be paved and not as one- or two-year contract.

~ Street and Sewer Contracts – The Borough has three contracts that are set to expire at the end of the year. Mr. Catania would like authorization from Council to advertise for new contracts. A motion was made to advertise for new contracts by Mr. Vazquez and it was seconded by Ms. Leslie. The motion was unanimous.

3642 Deepwater Lane – This is a partial storm inlet collapse that was referred to us by Public Works. Mr. Catania asked for authorization to repair the storm inlet. A motion was made by Mr. Vazquez and it was seconded by Mrs. Heller.

~ 3437 Janney Avenue – This is a sink hole that developed in the street. Public Works tested it and determined that it was an issue with the street lateral. Mr. Catania asked for authorization for a street lateral repair. A motion was made by Ms. Leslie and it was seconded by Mrs. Fooks. The motion was unanimous.

Ms. Sawicki asked Mr. Catania about the Pando escrow release for the development at 315 W. Brookhaven Road. Mr. Heller said that a resolution was made at June's Council meeting for this and it has been signed off by Mr. Heller.

FIRE MARSHALL – MR. LESLIE

There was no report.

BOARD OF HEALTH –

There was no report.

ZONING OFFICER – MR. HAMPTON

There was no report.

PUBLIC FIRE SAFETY OFFICIALS – CHIEF MONTELLA AND/OR MR. BYNUM

There was no report.

DEPUTY MANAGEMENT EMERGENCY COORDINATOR – MR. SCHULTZ

Mr. Schultz's report was given by Ms. Leslie.

PUBLIC DISCUSSION

Mr. Tom Dykes, W. Brookhaven Road, asked about the 315 W. Brookhaven Road property. He said that the edging along the road and the grass and weeds are three feet tall. He said that we released money to the developer for sewer connections. The line that they had to put on Brookhaven Road is starting to sink. Who will be responsible for fixing this. Mr. Catania said that the developer is responsible for the restoration of Brookhaven Road.

Mr. Dykes said that regarding the summer concerts, we are waiting to see what the COVID-19 counts are before we schedule anything. If there is a concert, it will probably be in the beginning of August.

Mr. Dan Murphy, Bradbury Road, said that we know the last few months have been filled with uncertainty. One of our neighbors in Cambridge Square came up with a plan to invite food trucks to come into the neighborhood. The invitation was put on the Cambridge Square Facebook for the neighbors to come out to the trucks to socialize. The turnout was also supporting the owners of the food trucks and their employees and the gatherings were amazing. This was not a solicitation from the owners of the food trucks but an invite from the neighbors. The neighbors could walk a few blocks and get something to eat and gather with their neighbors while maintaining social distancing. Mr. Murphy said that this was a wonderful thing to see. Someone called the police about the trucks being in the neighborhood and since they had no permits, they were issued citations. The next day another food truck came since the neighbors had already ordered the food but the police were called again and the food truck was issued a citation. This has impacted the food truck owners' livelihood. Mr. Murphy emphasized that the police were super nice about this and explained why they had to shut the trucks down. Mr. Murphy said that the cost of a permit which is \$1,000 for three months makes it cost prohibitive for a food truck to operate in Brookhaven.

Many of the neighbors want to continue having the food trucks coming into the neighborhood and want to ask Council to allow a one-day permit available for the food trucks and at a reasonable price. The food truck owners want to continue to come back into the neighborhood. Mr. Murphy said that he hopes Council will consider this option. Mr. Murphy shared some favorable comments he received from the neighbors about these activities in our neighborhood. Mr. Murphy said that if Council will allow this, he would encourage other neighborhoods in Brookhaven to consider doing this. Mr. Heller asked Mr. Murphy if he wants Council to consider one day permits for stationary food trucks; this would not be for food trucks that drive around, such as ice cream trucks. Mr. Murphy said that this would be for food trucks that come and park in one spot.

Ms. Donna Baker, Scola Road, President of Cambridge Square and Victoria Woods HOA said that the feedback she is getting from some of the residents of Cambridge Square was the location of the food trucks, which we moved to Carpenter Circle. Her other concern was the use of alcohol but it was resolved when it was put on Facebook that there was to be no alcohol. Ms. Baker said that there has been no problem with the food trucks coming but it has to be consistent across the entire Borough of Brookhaven. It should be opened to the entire Borough and not just for one section of Brookhaven. It is nice for everyone to get to know one another but we all have to play with the same rules for the whole Borough. Mr. Heller said that he thinks Council would be warm to having stationary food trucks but not mobile food trucks. Ms. Baker said that many years ago she was told that there could be no ice cream trucks in the Borough and asked if we allow food trucks, why not ice cream trucks. Mr. Heller said that we did allow ice cream trucks to come back a few years ago and they found that the seasonal permit was too cost prohibitive. Mrs. Fooks will bring this matter to the Ordinance Committee

Mr. Joseph Julian, Scola Road, said that he is all for fostering community spirit and the food truck did not impact him since he was far enough away from it. He does not feel that Cambridge Square is the place to put a food truck because of the high density. He has heard from many residents that they do not want the food truck in the neighborhood but they are too afraid to say anything because they might get online retribution. He said that there were some intimidating remarks put on Facebook regarding who called the police about the food trucks and people are impacted by this. Mr. Julian said that he would not like to have a food truck parked in front of his house; perhaps there is another event we could have to foster community spirit. Mr. Heller said that Brookhaven Pool rents food trucks. It was suggested that perhaps these food trucks could be parked at Borough Hall and then everyone in Brookhaven could participate in this. There was talk about other events that could be done at Cambridge Square.

Ms. Akua, Aucott Road, said that with the COVID-19 the food trucks are a safe way to meet neighbors and we do social distancing. If the residents do not want to participate, they can stay inside their homes. She said that all of Brookhaven should have the same privilege but Cambridge Square has worked very hard to get this together.

Mrs. Fooks said she will bring this before the Ordinance Committee to see if they want to add a line in the Ordinance to include food trucks. She said that previously the members did not want to bring back the ice cream trucks. We do have new members on the Ordinance Committee and they may have a different perspective. Our next meeting is July 16, 2020 and she will bring the feedback to Council. Mr. Heller asked that by bringing this before the Committee, does it mean to lower the cost of the permit. Yes, it would have a line for the fee for stationary food trucks. Mr. Heller said that the Ordinance Committee meeting on July 16th is public, and the residents can attend. Mrs. Fooks said that she asks that not too many people attend because we have to social distance.

Mrs. Heller asked how often the food trucks would be coming. Mr. Murphy said we are trying to work this out; it would probably be every three weeks.

Mimi McGovern, Susan Lane, said that she likes the idea and asked how many trucks would be coming at one time and where they would be located. Mr. Murphy said they will be parked in the circle from 4:30 pm to 8 pm. There would be a maximum of two trucks – a food truck and a dessert truck.

Mr. Wills, Solicitor, said that Brookhaven has a Transient Merchant Ordinance and a Peddler's and Solicitor's Ordinance. This would permit the operation of food trucks. There is a specific line item on the license fee. This can be adjusted via a resolution if Borough Council wishes to entertain that. There must be a Certificate of Insurance and to make sure that wherever it is parked there is sufficient ingress and egress. The hours of operation are also critical; we do not want to disturb the peace of other neighbors who may not want a truck. There should be no late night hours and no music associated with the food truck. The Borough does have the ultimate authority of regulating traffic if it is parked on Borough streets. This would have to be applied to the entire Borough and not just allowed in one neighborhood. We could make a change in the fee and just make it applicable for 2020 and look at it again next year. Mr. Heller said he would be opposed to any food trucks that would move through the Borough.

Ms. Leslie asked if the food trucks would be inspected. Mr. Heller said they would be required to be inspected by Mr. Grant.

Mr. Pappas said his biggest concern would be the safety in the health area. We inspect all of the other restaurants in the community. Mr. Pappas said that we are fiscally responsible to the taxpayers here and he said that many of our restaurants have been affected by the Pandemic and have lost a lot of business. The food trucks do not have the investments that Cocco's, Smashburger and Tom Jones have, along with other Borough restaurants. These restaurants have much more overhead than the food trucks. Mr. Pappas said that he would like to coin the phrase "Buy In Brookhaven". Mr. Heller said that the Ordinance could put limitations on how many food trucks could operate in the Borough so as to not compete with the local restaurants.

Mrs. Fooks said that she is concerned about the trucks, such as ice cream trucks, driving through the Borough with no permit. The trucks are not inspected and we do not know if the food is spoiled or not. Mr. Heller said there are currently no permits for any ice cream truck in the Borough. Mr. Wills said if anyone sees an ice cream truck in the Borough to call the Police Department or the Code Enforcement Officer to report it. Since they do not have a license or Certificate of Insurance they are operating illegally in the Borough.

ADJOURNMENT

There was no other business to come before Council. Mrs. Fooks made the motion and it was seconded by Ms. Leslie to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 8:05 pm.

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary