

**MINUTES**  
**BROOKHAVEN BOROUGH WORKSHOP MEETING**  
**MONDAY, JUNE 22, 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, Mrs. Fooks, Ms. Leslie, Mayor Hess, Mr. Pappas, Engineer Mr. Catania and Solicitor Mr. Wills. Mr. Vazquez 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 no public discussion.

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

Mr. Wills reported the following:

3607 Victor Avenue – This was a property that Mr. Wills had previously filed equity and petition for preliminary injunction against the property owner for maintenance issues. We have a new Court date before Judge Whalen on Wednesday, July 1, 2020. Mr. Wills will attend the meeting, along with Zoning Office Hampton and Code Enforcement Officer Grant. Hopefully we will finally get Court action to get this property addressed and to have it cleaned up and code compliant.

Brookhaven Glen Development – This is the 55 age and over development off of Edgmont Avenue. Those land development plans have been recorded at the Delaware County Court House. Mr. Wills has prepared and drafted a Developer's Agreement and an Improvement Security Agreement and also an Agreement for Escrow and Payment of Professional Fees. Mr. Wills forwarded these to the developer and we expect his attorney to review them, comment on them and hopefully we will get these executed in the not too distant future.

Brookhaven Storage Development – Mr. Wills has spoken to the attorney for the developer. He initially provided some Land Development Plans; Mr. Catania had commented and suggested that there is a number of deficiencies with those plans. The developer will be filing new and amended plans as early as next month. When we receive the new plans, Mr. Wills will work with the Planning Commission and we will schedule a public meeting. The public meeting may be able to take place at the Municipal Building as long as we follow and exercise all the social distancing protocols and the guidelines from the Governor.

Carman's – 4209 Edgmont Avenue. As Council may be aware, this property is being actively marketed and should be under contract in the next 30 days. Mr. Wills said that hopefully we will get new ownership in the near future and get the property back on the tax roll and to get the property to become code compliant.

Dunkin Donuts – Mr. Wills has been in touch with the developer's Engineer. We expect those plans, which have been approved, to be recorded at the Delaware County Court House. The developer will then be required to provide a Developer's Agreement and Security Agreement as well.

Furlough Recalls – Mr. Wills has been working with Council President Heller and the Chief of Police regarding the drafting of recall notifications. Mr. Wills said that he is pleased that we have most of our employees back to working under the "new normal".

Mr. Heller commented to Mr. Wills that he did great work on Carman's. It has been a long time coming.

#### MAYOR'S REPORT

Mayor Hess had no report.

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

Mr. Vazquez was not present and had no report.

#### 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 the Audit will take place tomorrow, June 22, 2020 in the Council Room. She and Mrs. McDade will be handling it and Mr. Wilwert will be present since he has to be interviewed. We will report at the July Council Meeting what transpired.

We are working on the end of the month bills and are getting the report ready for the July Council Meeting.

#### 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 had no report.

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.

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

Brookhaven Business Association – Mrs. Heller reported that she was notified by Lowe’s Corporate that they have masks that they will be donating to the smaller businesses of Brookhaven that have been affected by the COVID-19 Pandemic. So far there are two businesses that will be opening on June 29, 2020 that will take advantage of this offer. Mrs. Heller will be working with Lowe’s through their Corporate office to donate these masks to the smaller businesses.

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 did not meet in June. We will be working on the Open Burn Ordinance over the next few weeks. Our next meeting will be via Zoom on Thursday, July 16, 2020.

Mrs. Fooks emailed the Council members the Animal Ordinance. We reworded the requirement to have your animals chipped. We are not going to require that in the ordinance. If the Council members are in agreement, Mrs. Fooks would like to vote on this at the July Council Meeting.

Mrs. Fooks wanted to remind everyone that we do have a Firework’s Ordinance. The ordinance can be found on the Brookhaven Borough website. This is under the document section.

We have a Noise Ordinance that prohibits fireworks after 10 pm. No large fireworks are allowed to be lit within 150 feet of a structure.

ENGINEER’S REPORT – MR. CATANIA

Mr. Catania reported the following:

~ 4849 Greenwood Street – There was a street lateral problem that required emergency action. Mr. Catania will request Council to ratify this emergency repair at the July Council Meeting.

~ The 2020 Street Resurfacing Project – Those bids will be accepted on Thursday, June 25, 2020 so we will have the bid tabulations in consideration for awards to be coming up.

~ A vehicle crashed into the Beer Barn on Edgmont Avenue on Thursday, June 18, 2020. This was taken care of with the help of the Fire Chief, the Fire Marshal and the Fire Department. The Beer Barn owner has supplied a structure report from a licensed Engineer and he recommends repairs to be made. This will be filed on the Building Inspection side.

~ We had a Sanitary Sewer overflow yesterday, June 21, 2020, on Brookhaven Road and Gray Street. Bob Grant and the Public Work's Department responded to that. We are required to notify DEP of the overflow that went into the storm sewer. It was a very minor amount and we filed the necessary report to the DEP on June 22, 2020.

Mr. Catania said that regarding this problem and the one on Greenwood Street, we need a written policy on how to address the damages caused by these sewer backups. In both of these cases, residents had sewage in their basements. There was an uncertainty on how we addressed this: whether the homeowners got their own clean up company or whether the Borough had a company on standby. We need to work on this in the near future.

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 there are five Executive Sessions to be announced:

~ Council met on Saturday, June 6th from 1 pm to 2 pm. The meeting was publicly advertised in the Delaware County Daily Times. The purpose of the meeting was to vote to hire the candidate for the Office Manager position with a salary of \$45,000 plus all benefits to support the Office Staff. The candidate that was hired was John Wilwert. The meeting was held via Zoom.

~ Council met on Tuesday, June 2<sup>nd</sup> from 6:30 pm to 7:00 pm to interview a candidate for the Office Manager. The meeting was held via Zoom.

~ Council met on Wednesday, June 3<sup>rd</sup> from 7:30 pm to 8:00 pm to interview a candidate for the Office Manager. The meeting was held via Zoom.

~ Council met on Tuesday, June 16<sup>th</sup> from 6:30 pm to 7:30 pm for the purpose of a Personnel matter. The meeting was held via Zoom.

~ Council met on Thursday, June 18<sup>th</sup> from 6:30 pm to 7:30 pm for the purpose of a Personnel matter. The meeting was held in person in the Council Chamber.

Lantern Fly Update – Mr. Heller was notified today by USDA after he requested an update on the spotted lantern fly treatment program that no funding will be available to the Borough for this. The only assistance that will be available will be to give advice to the Borough. This is due to lack of personnel and funding. In the USDA. The Borough will have to come up with a treatment program on its own. Mr. Heller will reach out to the state to see if they can give us any assistance.

Mr. Heller wanted to thank Steve and Billy from Public Works, Bob Grant and Chuck Leslie for helping to take care of the sewer problem on June 21<sup>st</sup>. It was an ugly situation and we got it fixed with our sewer machine.

**INSPECTORS' REPORTS**

**FIRE MARSHAL – MR. LESLIE**

Mr. Leslie was not present and had no report.

**FIRE CHIEF – MR. MONTELLA**

Chief Montella said that things are getting better. Most of the things coming for us are for out of town or transports to long term facilities. We have been looking pretty good lately. We are trying to keep up PPE. We are having some difficulty; the masks that the Borough secured for us earlier have been a great help. Mr. Heller suggested that we put in another order for masks in case there is a resurgence of the virus. Mr. Heller said that Brookhaven had 56 cases of COVID-19 with four deaths.

**BOARD OF HEALTH –**

There was no report.

**ZONING OFFICER – MR. HAMPTON**

Mr. Hampton was not present but Mr. Heller read his report. Carman's property is selling for an asking price of \$288,000. Mr. Hampton met with a prospective buyer who may want to make two stores out of it. In addition, there are several other possible buyers. The realtor thinks that the property will be sold by the end of the week.

**PUBLIC DISCUSSION**

A person asked if Brookhaven Council had an official statement regarding the recent comments made over the last few years on social media by the Penn Delco School Board President, Mr. Leon Armour. *(The meeting was held via Zoom and the name and address of the person asking the question was not stated.)*

Mr. Heller deferred the question to our Solicitor, Mr. Wills. Mr. Wills commented that he believes it is the consensus of the Borough Council that it will not be taking an official position or making an official statement this evening with the regard to the situation with the Penn Delco School District President, Mr. Armour.

Mr. Wills said that it is his understanding that the Penn Delco School Board has not taken any official position other than an apology by the President. The School Board itself and the School District itself has not taken any position. Mr. Wills said that Borough Council feels it is appropriate, at least initially, that the School Board take a position before it (Council) weighs in, (if Council chooses to weigh in) at a later date. Mr. Heller said that this position, which is a non-position right now, really means no position. We are going to leave it up to the School Board to properly handle it. He said that this does not mean that we agree with the statements or the misuse of social media.

Mr. Tom Dykes, W. Brookhaven Road, talked about the July 15 scheduled Concert in the Park. He suggested that we might wait until July 22<sup>nd</sup> or July 29<sup>th</sup> to give us more time for things to settle down. We should be in the green by then which means we can have up to 250 people for a gathering. There is plenty of space in the park for that many people. The most people we had in previous concerts was 100 to 125. Mr. Dykes said he will contact some of the entertainers to see what they want to do. Mr. Heller said that we are scheduled to go into the green phase on June 26<sup>th</sup>. He said that the original position on building rentals was to postpone building rentals until the end of the year or until a vaccine is available. We may be able to reconsider that if we go green but we need two to three weeks of data after we go green. If the number of cases start to surge, we will have to look at this. Mr. Heller said it was a good idea to wait until July 29<sup>th</sup> or the beginning of August to hold the concerts to see if there is a spike in the number of cases. Mr. Dykes, Mrs. Heller and Mrs. Fooks were in agreement with this.

**ADJOURNMENT**

There was no other business to come before Council. Mrs. Fooks made the motion and Mrs. Heller made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 7:30 pm.

Respectfully Submitted,

Mrs. Joan Boyle  
Brookhaven Planning Commission Secretary

