

MINUTES
BROOKHAVEN BOROUGH COUNCIL WORKSHOP MEETING
MONDAY, JUNE 24, 2019

At 7:00 PM Council President Vawn Donaway called the regularly scheduled Workshop Session of Brookhaven Borough Council to Order. Mr. Donaway led in the Pledge of Allegiance to the American Flag.

The record shows the meeting was held in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Brookhaven, PA 19015 and the following people were seated at the Council Table. Councilpersons Mr. Donaway, Ms. Sawicki, Mr. Heller, Mr. LaPera, Mrs. Fooks, Ms. Leslie, Mayor Hess, Engineer Ms. Erin Porter (sitting in for Mrs. Mulvena) and Solicitor Mr. Stone. Mr. Pappas was not present. Planning Commission Secretary Mrs. Boyle recorded the minutes.

B&L DISPOSAL SERVICES

Mike from B&L Trash Removal was present to explain the procedure for the trash pick-up in the Borough. He said that they use rear loaders to pick-up both the regular trash and recyclable trash. There is not a separate truck for recycles. Ms. Leslie said that some of the residents have complained that the men are taking both regular and recyclable trash and putting it into the truck at the same time. Mike said that they do not do that unless the recycled trash is contaminated. Many residents recycle non-recyclables such as plastic bags, pizza boxes, plastics that are not recyclable, etc. If the recyclables are contaminated, they have to be put in the regular trash. Mike showed the Council pictures of trash that was put out incorrectly. He said that it costs more to dispose of the recycled trash at \$65 a ton than the regular trash at \$58 a ton and the prices keep going up. If the recycled dump load is more than 10% contaminated, the price goes to \$160 a ton. It was asked what makes the trash contaminated. Mike said plastic bags, any plastic that is not recyclable, pizza boxes, etc. Mrs. Fooks asked if the trashmen could leave a note as to why they could not take the recyclables. Mike said that they can't do that; he said that once the trash is contaminated, it has to be put in regular trash. One of the problems is that in Brookhaven, both regular and recyclable trash is on the same day. In other towns, there are two different days for trash and recyclables. Mayor Hess said that he wanted to clarify that if a plastic bag or a pizza box is in the recyclables, then it is contaminated. Mike verified that this is correct. Mayor Hess, along with other Councilpersons, said that we have to inform the residents about this. Mr. LaPera suggested that if the trash is contaminated, that the trashmen do not take it and if residents call the office to say their trash was not picked up, we can tell them why and they will have to remove any plastic bags, etc. It was discussed that the residents would have to call to find out about this.

Mr. Donaway asked Mike if they get fined if the load is contaminated. Mike said that do get fined or else they get shut down and they won't take the trash. It was brought up that the lids on plastic bottles are not recyclable and should be taken off the bottles before it goes into trash. Mike will give the Council a complete list of what items can go into recycling trash. China is no longer taking recyclables. Mr. Donaway said that we have to get the information out to the residents about the recycling rules. The residents should be informed as to why the trashmen cannot take the recyclables. Mr. Donaway said that our new recycling bins do not have lids; the lids were not included in the grant. Lids should not be on the recyclable cans on trash day.

One of the residents in the audience said that she feels there is not enough information out there about the recycling rules. She said that she feels the trashmen do a good job. She suggested to get the school children involved in helping with recycling – what is the problem and how can we do it better. She asked how we can get to the residents that do not follow the rules. There was a discussion about items such as TV's that are left in driveways because they are not picked up with the trash. It was mentioned that it is illegal for the Borough to go onto someone's property to remove trash. It was discussed that we have to make residents aware of our big recycling events where we take everything that has a cord. Mayor Hess said that we can give out flyers at Family Day about recyclables. Mr. Hampton wanted to remind everyone that mattresses will not be picked up if there is no cover on them.

SPRING LANE LLC

George Bullard from Spring Lane, LLC and his attorney, Frone Crawford, were present to discuss their proposed project. Mr. Bullard said that his company develops ground. Mr. Bullard said that he has a client that has 40 self-storage buildings and he would like to put one of these storage buildings on the property off of East Brookhaven Road, behind KYJ's bakery and the warehouse. Mr. Bullard said that self-storage buildings bring no impact to school districts; the average amount of cars per week that enter the buildings is 15. Mr. Bullard showed the Council pictures of what the proposed building would look like. It would be three stories high and self-contained. There are two different sizes of buildings but the one that would be 75,000 square feet would be the best fit here. Presently, the land is not zoned for this type of building. The zoning was previously changed to residential because a builder was going to build townhouses on the site, but this fell through. Mr. Bullard said that the property is under agreement to them based on a zoning change and his company has put a lot of work into this so far.

Mr. Crawford said that the property at present is a bit derelict. He feels that the proposed building is the right size and shape for this property. This is a mixed area; there are several commercial properties around it. Mr. Crawford feels the proposed building would be beneficial to Brookhaven; it would have minimal traffic, would not add any school children and would help to stabilize the area.

Mr. Crawford said they have come before Council this evening to ask for Council's cooperation before they proceed any further. The building would be classified as a multi self-storage building. Mr. Crawford said they need a variance for their building and are asking for Council's support before they go to the Planning Commission and Zoning. They are aware of all the landscaping requirements, etc. that they need and they will adhere to this. Mayor Hess said that he feels this would certainly be more attractive than how the property looks now. Mr. Crawford said there would be 42 or 43 storage units. Mayor Hess asked why they feel it would be minimal traffic. Mr. Crawford said because they have done studies and it has shown only 15 cars use the storage units per week. There is an office in the front that is manned every day and the building would be gated. Mrs. Fooks said her concern would be water run-off. Mr. Bullard said that they will conform with all DEP requirements. Mr. Heller asked about revenue that would be generated. Mr. Bullard said that he is only the land developer and does not know. Ms. Sawicki said she feels the residents of "Traditions" will not like looking at this building. Mr. Leslie, Fire Marshal, said that the residents there will not be able to see the building; Mr. Stone said that many of those residents would be using it for their storage. Ms. Sawicki said that when the townhouses were going to be build there, that PennDOT didn't approve of the traffic coming out of the area onto East Brookhaven Road. Mr. Dona way said that was based on a different plan; townhouses would generate much more traffic than this proposed building. Mr. Hampton said that he told Mr. Bullard he would have to come before Council first to ask about getting the Zoning changed. Mr. Hampton gave him all the tax work and all the money that is owed to the school district. Mr. Hampton explained to Mr. Bullard that there were supposed to be 18 townhouses built on the land; there is presently a lot of "junk" on the property. Mr. Dona way said that if we do not change the Zoning and a developer wants to put townhouses on the property, what do we do? Ms. Sawicki said that Delaware County looked at all of Zoning uses in Brookhaven last year and passed it and now we want to change it. Why did we do all that work and now change it. Mrs. Fooks said that we changed the Zoning to R4 for the townhouses. Mr. Hampton gave some of the history of other properties that are commercial that are mixed in with residential. Mr. LaPera said that when we sat in the meeting with the County, they were not concerned about the Zoning with that property Page and asked why it was R4.

Mr. Hampton said it was previously recommended to put sidewalks on Radio Park Lane so people could walk down there and go out to Edgmont. Ms. Sawicki said that the residents on Williamson Lane do not want sidewalks. Mr. Donaway said that we are not talking about this now for this plan.

One of the residents from the audience said that she thought the building plan looked pretty and she likes this plan. She said that she doesn't think having it R4 makes sense. Townhouses would generate much traffic and with this plan, 15 cars a week is nothing. She thinks it would be good to remove the junk from the property. She does not feel the residents would have any objection because it looks nice.

Mr. Bullard said that were asking to see if Council likes the idea. He said that they will not fight it if Council doesn't want it. Mr. Donaway asked the Council members that if anyone was opposed to this plan, other than Ms. Sawicki. Mrs. Fooks said that we do not own the land and someone could put townhouses there now. Mr. Stone said it comes down to either leave the Zoning alone and see if anyone comes along to build townhouses or change the Zoning to commercial for this type of development. Mr. LaPera and Mrs. Fooks said they feel it is a good development and fits in with the land. Ms. Sawicki commented that if it is changed, there would be a public hearing and the residents would have a chance to voice their opinion. Mr. Dykes asked about water run off onto Brookhaven Road; will there be underground wells. Ms. Porter, Engineer, explained there are many different plans and options of dealing with water issues and it could be worked out. Mr. Donaway asked what is the opinion of Council; he feels that the consensus is that Council would approve of this. Mr. Crawford told Council that they appreciated the time and comments Council gave them and he feels there is some receptivity to this plan. He said that will sit down and come back before Council with further plans.

PUBLIC DISCUSSION

Kaitlin Binck, Chandler Drive, asked Ms. Porter about an update on the traffic report on Chandler Drive. Ms. Porter said that they will have a final report at the July 1st meeting. Mr. Donaway said that the numbers are not good for a speed hump and Mrs. Mulvena wants to make sure that nothing was missed. Mr. Donaway said that regarding the woman who hit the tree on Chandler Drive, it was because she was not paying attention. If we had a hump down and we did not meet all the legal requirements and then someone came down and hit the hump and lost control of the car and struck a child, then we could be sued because they were not paying attention to the hump. Ms. Binck said there are humps down on many streets.

Mr. Donaway said that Council does not have to listen to the legal advice of Mr. Stone and Mrs. Mulvena, but then who would be responsible. Ms. Binck asked Mr. Stone if there are actual legal rules of why we cannot put down a speed hump. Mr. Stone said that we have to defend our reason for putting the speed hump down. He said that is why we defer to the Engineer to have a traffic study done to defend the speed hump. Ms. Binck said that since she did not feel she was getting answers, she went to a PennDOT District 6 representative and they said that if the borough knows that it is a cut-through street, speed humps can be put down. Mr. Donaway said that when he talked to the person, he said he did not say that and that he would be happy to discuss it further in a meeting to clear up any miscommunication. The representative told Mr. Donaway that there are many things that have to be considered and there has to be a study to see if it meets the requirements of a cut-through street; there has to be documentation. The representative suggested to put a white line down the street. Mr. Donaway said that for the record, he is not against speed humps; he is concerned that they be placed legally for the borough's protection. Mr. Donaway said that if Council wants to vote to put down speed humps, they can vote on it at the next Council meeting. Ms. Binck suggested that we get the opinion of another Engineer. Mr. Donaway asked if we should get the opinion of another lawyer also? Mrs. Fooks suggested that we do another traffic study after Chili's opens. The numbers from the traffic study did not warrant speed humps, but maybe the numbers will change when Chili's opens. Mr. Stone told Ms. Binck that he understands what she is saying but what if something happens; how can we defend it. Ms. Binck said she cares how fast the cars are going on Chandler Drive; there are 33 children that live on Chandler. Mayor Hess asked how many speed humps would be needed. Ms. Porter said it all depends on the street. Mr. Heller feels the traffic will get worse once the restaurant opens; people will want to take back roads, such as Chandler Drive, to avoid going onto Edgmont Avenue. Ms. Binck said that the children are careful but how about a speeding car. Mr. Hampton asked about rumble strips. Mayor Hess suggested we wait until the Council Meeting on July 1st to hear the results of the traffic study and perhaps Mrs. Mulvena and the Police Chief will have more suggestions.

Jason Coleman, Scola Road, asked if there is any reason why we can't open the gym for children to use it for open basketball. Mr. LaPera said that it is used for Day Camp during the day. It was asked if it should be restricted to Brookhaven residents; Mr. LaPera said that if a kid wants to bring a friend from another town, they should be allowed to use it. Mr. Donaway said that the time would be limited because it is a multi-purpose room and used for many things, such as volleyball, holding parties, etc. Mr. Stone said we have to talk to our Insurance Company to let them know what is happening. Mr. LaPera said that he has asked the school district why they lock their playgrounds.

The school district is worried about vandalism and will not open it. Mr. Heller suggested to try to open the gym once a week to see how it works out. Ms. Sawicki said we have to have a custodian present in case there is an accident, clean up needed, etc. Mr. LaPera said he has looked into putting up basketball nets at some of the parks. Mr. Donaway and Mr. LaPera will sit down with Mr. Swaygnim and work on this.

Mimi McGovern, Susan Lane, said that she has noticed that some of our businesses look terrible. Walgreens's had trash outside and when she told them, the next day it was cleaned. She said that Council needs help from the residents to go around to the businesses and talk to them about keeping the places looking nice. Ms. Sawicki said that the Board of Health does check on businesses. Ms. McGovern said maybe we could recognize the businesses that look well. She said that landscaping needs to look better on Edgmont Avenue. She said that people need to be aware that property values will decrease if properties look bad. Mr. Donaway asked about having residents getting together to form a committee to look into ways to have residents take care of their property. This might be a good opportunity to get our youth involved.

Ms. McGovern asked if there is an Ordinance about weeds on a property. This would fall under high grass. Ms. McGovern said she feels Inspectors need to report problems. Ms. McGovern asked about old businesses that are empty such as the old Wawa or Carmines. She asked what have we done about this. Ms. Sawicki said that Wawa had a lease that prevented anyone else from coming in. Dunkin Donuts is planning to come to the Wawa building and are working on all the things they have to do. The owner of the property is trying and wants to get it but things have to be worked out with PennDOT and other issues. She asked how about Carmines. They do get fined and they pay their fines so there is nothing else that can be done. Mr. Leslie, Fire Marshal, said that the Inspectors are doing everything they can. We have looked into making him sell the property but there is nothing legally we can do. We are not allowed to go into his property and since no one is in the property, the Board of Health cannot do anything. Mr. Stone said that there are many things that go on behind the scenes with these properties and if they get fined and pay the fines, there is nothing else the Borough can do. Mr. Stone said we can't go too far with telling everyone how their property should look. Mr. Stone said that if a property is not open for business, then it is not affecting anyone's health since they do not have accessibility to the building.

Ms. McGovern said that she would like to have a copy of all the Ordinances. Some of them are on the website and others would be available in the office. She asked about mattresses that are left out week after week. When this happens, someone should contact the Borough office and it will be looked into. Ms. McGovern asked about trash cans that are overflowing in the driveway. Ms. McGovern said that people are just lazy. It was suggested to try to form this committee to help with the trash and cleanup. Ms. McGovern and Mrs. Fooks volunteered to be on the committee.

SOLICITOR REPORT

Mr. Stone reported that we sent a letter to B&L Disposal Services requesting their presence at our meeting tonight, which they did. We sent a letter to Southwest about the sinkholes on Grant Drive and they responded and said it was not their problem. If the problem persists, we have to get more documentation to show it is their responsibility.

We are waiting for Brookhaven Green Estates to come back before Council with revisions to their Land Development Plan. They were on the agenda for this evening but apparently, they did not come.

MAYOR HESS

Mayor Hess had no report this evening. He said that the new Chief of Police would be in attendance at the July Council Meeting. Mayor Hess said that on his first week on the job he has made a tremendous impact.

PLANNING COMMISSION LIAISON, CONDO ASSOCIATION CHAIR, MEMBER FIRE COMMITTEE AND MEMBER HISTORICAL COMMITTEE – MR. PAPPAS

Mr. Pappas was not present and there was no report.

BUSINESS AND REVITALIZATION COORDINATOR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, MEMBER LONG TERM AND COMPREHENSIVE PLANS, SCHOOL BOARD LIAISON, CHAIR TECHNOLOGY COMMITTEE, CHAIR GRANT COMMITTEE – MRS. FOOKS

Mrs. Fooks reported that the Ordinance Committee did not meet in June. The next meeting will be on July 18th. Mrs. Fooks said there is a member on the committee that is very well versed with the International Property Codes so we will meet and talk about businesses and what we can do. She will give the rest of her report at the July Council Meeting.

VICE PRESIDENT OF COUNCIL, CHAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING EARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS – MR. LA PERA

Mr. LaPera reported that the Zoning Board did meet on June 11th to discuss the variance for Green Estates and it was approved. Mr. LaPera said that two of the buildings were bigger than the rest on the plans and no one noticed it. They want to keep the buildings the same and they now encroach on about ten feet of property behind Taco Bell. Mr. LaPera said that the Zoning Board did approve the variance for the set back. The impact has been minimal and it still falls within the guidelines. There were three different architects involved with the drawings and no one noticed that two of the buildings were bigger. Ms. Sawicki said that we are letting them off the hook because of their mistake. Mr. Donaway said that Green Estates did go before the Zoning Board and the variance was approved. Mr. Donaway said that if Council wants to challenge it, Council would have to take the Zoning Board to court.

Mr. Donaway said that he wants to make sure they are not encroaching on the homes that back up onto Williamson Lane. Mr. Donaway said that it sounds like they will only be encroaching onto the businesses and also, since the Zoning meeting was posted, the residents had a right to come out and protest the variance, which no one did. Mr. Stone said that comparing the drawings from 2009 to the ones they gave us on June 3rd, it only shifts ten feet. Ms. Sawicki said she still wants to voice how difficult it will be to get out onto Edgmont Avenue from Green Estates. Mr. Stone said that he does not disagree, but the variance has nothing to do with the traffic. Some of the Council members said that they had a difficult time believing that no one saw the differences in the buildings.

Mr. LaPera said there will be no more meetings in July. Mr. LaPera is looking into the price for getting basketball nets for Samson Park. Brookhaven Public Works filled in all the holes and got rid of the weeds on the court.

The Recreation Board will meet on July 27th at 7 pm.

The first music concert was held behind the Borough Hall and about 75 to 80 people attended. The concert was scheduled to be at Eaton Park but had to be moved due to the wet grounds from the rain. The next concert is scheduled for Tuesday, July 23rd, from 5 to 8 pm.

Family Day is scheduled for Saturday, September 28th. There will be a meeting for the committee on Thursday, June 27th at 6:15 pm.

Ms. Sawicki commented that there was a write-up in one of the papers today about the Shakespeare Play “Measure to Measure”, which will be held behind Borough Hall on Tuesday, July 16th. The article explained about the play and it was very positive press for us and should help the attendance.

CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, CHAIR FIRE COMMITTEE, CHAIR VETERANS’ COMMITTEE AND CHAIR POLICE COMMITTEE – MS. LESLIE

Ms. Leslie had no report.

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

Ms. Sawicki reported that Council will be receiving the bill list this week.

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

Mr. Heller reported that there will be 55 Hometown Banners that will be hung on Upland Road, Trimble Blvd., Dutton’s Mill Road, Grant Drive and Chandler Drive. This should be completed in three or four weeks.

ENGINEER’S REPORT

Ms. Porter reported the following:

We should have a budget plan from the Waste Water Treatment Plant by the July Council meeting.

There is a problem at 4420 and 4450 Marianne Drive and we are scheduling to televise the pipes.

We are waiting for a response from PennDOT about the sinkhole on Brookhaven Road and Bridgewater Road.

We are meeting with a Traffic Control contractor in early July for the light at Coebourne, Cambridge and Edgmont Avenue.

Green Estates are required to submit their revisions to us.

Regarding Hilltop Sewer System, we are still trying to figure out who owns the storm sewer.

We will have the result of the Chandler Traffic Study at the July Council meeting.

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

Mr. Donaway reported the following:

New toilets were installed in the Police Station Holding Cells. Because it was old technology, the cost was more than expected – around \$13,000.

Our police did a fantastic job during the recent robbery at Walgreens.

The fence behind Aldi did come down. They do have the permit for it.

We did come to an agreement with the Teamsters with a 3 to 0 vote. We are scheduled to meet with the Teamster's lawyer about this on July 1st at 6 pm.

The Holiday Parade Committee is having a fund raiser on October 18th with “Bingo With A Twist”.

We are having a Back To School Dance in September.

We will order about 30 lids for the recyclables and will sell them at \$3.76, which is the cost of them.

Mr. Donaway said he wanted to say again that he is not against speed humps. He is just concerned about the responsibility of Council for putting them down if they are not legally supposed to be there. We don't have the cost for them. Ms. Sawicki said we have to get correct signage if we do put in speed humps.

The Police Committee will meet on July 2nd. We need a motion at the meeting to hire Roseanne.

Sinkholes are popping up all over. Our infrastructure is coming apart. We have a good handle on what we want to do to correct the problems.

Mr. Swaygmin is asking for a bigger shed.

The Quilters are using the Borough Hall. From October 7th through 10th.

Chipping days are July 8, 12, 17 & 18. Residents have to call ahead of time to get on the schedule

INSPECTORS' REPORTS

BOARD OF HEALTH – MR. BOB GRANT

There was no report.

FIRE MARSHAL – MR. LESLIE

Mr. Leslie asked about getting the scoreboard in at Jim Durkin Field. He had no further report.

ZONING OFFICER – MR. HAMPTON

Mr. Hampton reported that S & S Siding, located on Edgmont Avenue, will be leaving Brookhaven. They have to expand to a larger site.

FIRE CHIEF – CHIEF MONTELLA. There was no report.

PUBLIC DISCUSSION. There was no further public discussion.

ADJOURNMENT

There was no other business to come before Council. Ms. Leslie made the motion and Ms. Sawicki made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 9:20 PM.

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary

