

**MINUTES**  
**BROOKHAVEN BOROUGH WORKSHOP MEETING**  
**MONDAY, JUNE 28, 2021**

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 in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Brookhaven, PA 19015 and the following people were present: Mayor Leslie, Council President Mr. Heller, Councilpersons Mrs. Fooks, Mrs. Heller, Mr. Pappas, Ms. Sawicki, Mr. Vazquez, Solicitor John Wills, Engineer Charles Catania, and Office Manager John Wilwert. The minutes were recorded by Recording Secretary Mrs. Boyle. Councilpersons Michael Gilroy joined the meeting remotely.

**PUBLIC DISCUSSION.**

Kathryn Orr, W. Brookhaven Road, had a question about the recent gasoline spill. She has the stream behind her home and asked if the soil and water have been tested. Mr. Catania said that according to the report he received, they are cleaning the soil behind the gas station and the soil in the retention basin is essentially complete. Once that is completed they will do ground work investigation. Everything will be done downstream. Ms. Orr said they were planning to have their trees topped; she asked if they should proceed at this time since the trees are on the stream. She doesn't want to spend the money to have this done if she later finds out that the trees are dying because of the spill. Mr. Catania said that Aquaterra Technologies is the firm handling the cleanup; Mr. Catania will have a representative get in touch with Ms. Orr to advise her about this. Ms. Orr asked if FEMA has been involved with this situation; they have not but EPA, DEP, the Coast Guard and every agency that should have been involved are involved in the cleanup.

Mr. Catania said that he expects the work in the school basin to be done this week. They expect the soil excavation behind the gas station to take several more weeks. They are doing vapor monitoring and then they will do the ground sampling. 4,700 gallons of fuel were spilled and the gas station tanks were tested. Mr. Heller asked Mr. Wills if we can say what caused the spill. Mr. Wills said that the incident is still under investigation and he would prefer to keep silent on this issue for now. There are multiple agencies involved from criminal and civil investigations.

Caitlyn Binck, Chandler Drive, said that she heard that the foundation of Coebourn School site has been compromised. Mr. Heller said this is the first he heard of this and that there would be no issues with the school's foundation. The retention pond did its job. Ms. Binck asked if someone will manage the job when the rebuilding takes place. Mr. Heller said that we will insist on mature trees being put in to replace the trees.

Mayor Leslie said that she was with Mrs. Ford, Principal of Coebourn School, the Monday after the incident and they were testing for vapors. There were no vapors found in the school. Mrs. Heller said that there is an ongoing investigation about the incident. She wanted to thank everyone who was involved in working on the spill. She wanted to thank Chief Montella and Fire Marshall Leslie.

Carolyn Farren, Mt. Vernon Avenue, asked if anyone had an accurate assessment of how many animals were lost from the spill. Mr. Heller said that we can't count the aquatic loss but there was one fox and one racoon that died. No deer died from this.

She asked if the gasoline went toward the walking path behind the gas station. Mr. Heller said that most of the fuel was behind the gas station, behind Coebourn School and in the retention pond at Coebourn School.

#### SOLICITOR’S REPORT – MR. JAY WILLS

Mr. Wills submitted a written report to the Council members and the Mayor this morning and reported the following issues:

Arbor Developers/Zoar Street Subdivision – The Developer has recently executed a Stormwater Management Practices Agreement and the Developer will be obligated to record that at the Delaware County Court House Recorder of Deeds Office.

Brookhaven Storage – The Developer has filed a revised Land Development Plan, dated June 11, 2021, for a self-storage facility on a parcel of 2.4 acres located on the south side of E. Brookhaven Road. The Brookhaven Planning Commission is scheduled to review that application at the July 27<sup>th</sup> Planning Meeting. The regular meeting would be July 20<sup>th</sup>, but since many of their members cannot attend the meeting, they will move the meeting to July 27<sup>th</sup>. Mr. Wills will advertise that meeting so we are in compliance with the Sunshine Law.

Popeye’s Land Development Project – They are seeking to develop a property at 4236 Edgmont Avenue (former TD Bank building). The Developer has obtained conditional use approval from Borough Council at its meeting on June 2, 2021 to permit a fast food restaurant with drive-through window. The Developer is also obligated to obtain multiple variances from the Zoning Hearing Board at their meeting scheduled for June 30, 2021. The Public is invited to attend and participate.

Residences At Brookhaven Glen – This is a senior housing unit on Edgmont Avenue and Radio Park Lane. The Developer has requested replacing an existing Irrevocable Letter of Credit (WSFA Bank) which guarantees completion of the Development’s public improvements. They wish to replace that with another Irrevocable Letter of Credit with Meridian Bank. Mr. Wills has been negotiating with the Bank and Council and we should have the renegotiation completed tomorrow. A new letter of credit should be issued by Meridian Bank.

#### MAYOR’S REPORT

Mayor Leslie said that she wanted to thank everyone who responded to the fuel release, especially the Fire Department and the Emergency Management Department. Mayor Leslie also wanted to thank the Hero Banner Committee and the Delco Cruisers for the car show they put on at Coebourn School, even though it was during the emergency day of the gasoline spill. She wanted the residents to know that they should call 911 for all emergencies and even non-emergencies if they see something that is not right. She does not always see all of her Facebook comments. There are no permits issued for Mr. Softee so if anyone sees the truck, please call 911 to report the truck so the Officer on duty can escort the truck out of town. Mayor Leslie asked everyone to be mindful of all pets with any Fireworks. Mayor Leslie said that they have had a long few weeks of interviews for the new Police Chief. She thanked Council for all the long weekends they spent on interviews. We will be making our decision soon. She wished everyone a Happy and Safe Fourth of July and said “God Bless The U.S.A.”

#### FIRE CHIEF – MR. MONTELLA

Chief Montella was not present.

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 met this month to finalize the Food Truck Ordinance. All Council members should have a copy; she asked them to review it and to get back to her with any comments. She is continuing to work with Matt Copple to get Hilltop Drive and Whiteley Road cleaned up. When that is finished, the shopping center will start cleaning up. The Concert in the Park series was held on June 19<sup>th</sup> and we had a great night with the LSD Band. The next series will be on Wednesday, July 21<sup>st</sup> at 6 pm. The name of the band is Bad Habitz. She asked all Council members to submit their articles for the newsletter. She asked everyone to review the Fireworks Ordinance to see what rules apply. Mr. Heller said that there was a fire in Parkside that was caused by fireworks. A firefighter spent the night in the hospital from injuries.

CO-CHAIR VETERANS COMMITTEE, MEMBER POLICE COMMITTEE, MEMBER TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MR. GILROY

Mr. Gilroy had no report.

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

Mr. Vazquez reported that the Zoning Hearing Board will be on Wednesday, June 30<sup>th</sup> at 7 pm. Public Works will be posting a job opportunity for a temporary seasonal position. One of the employees gave his two weeks' notice.

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 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

Mrs. Heller reported that the next Family Day Meeting will be on Wednesday, July 14<sup>th</sup> at 7 pm. We are looking for volunteers. She said that the Recreation Board has their own Facebook. All info will be posted on that. Also, the Baseball League is in the midst of their tournaments and anyone can come out to watch them play and cheer them on. She wished everyone a happy weekend.

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 the following:

There were Executive Session Meetings on the following dates:

- June 12<sup>th</sup> from 9 am to 4 pm
- June 20<sup>th</sup> from 9 am to 4 pm
- June 23<sup>rd</sup> from 7 pm to 10:30 pm
- June 24<sup>th</sup> from 7 pm to 9:30 pm

All of these meetings were interviews for the new Chief of Police position, first and second rounds. There will be an Executive Session Meeting following tonight's Workshop Meeting to discuss the Chief of Police Hiring Process, the Zoning matter, County rental of Borough Hall and speed humps.

Mr. Heller said we will have an update of the Gasoline Fuel spill at the July Council Meeting which will be held on Monday, July 12<sup>th</sup>. The date was changed due to the holiday. Mr. Heller wanted to thank all the agencies that assisted in the cleanup and the ones that are continuing to assist in the cleanup. He wanted to thank everyone who showed up for the inaugural Hero Banner Committee auto show.

ENGINEER'S REPORT – MR. CATANIA

Mr. Catania reported the following:

~ There will be requests for escrow releases at the July Council Meeting; one for Brookhaven Glen, one for Dunkin Donuts and one for the Arbor Developer on Zoar Street.

~ We will ask for authorization to repair the storm sewer at 4110 Mt. Vernon Avenue

~ The Whiteley Road Storm Culvert Replacement has been completed.

~ The sanitary sewer on W. Brookhaven Road has been done by Standard Pipe Services. We do have a change order request for extra cost. There was a manhole cover that had to be located and repaired. It turned out to be a bigger project than anticipated. The cost of this would be covered by a Grant and they are looking for an additional \$9,155. This will be for consideration at the July Council Meeting.

~ A. F. Damon was scheduled to start the Street Resurfacing Program but some delays have occurred. They will be starting the end of July or the beginning of August.

Mr. Catania had a copy of the report that was done in 2019 about the street humps. There was a Traffic Study done at that time on Chandler Drive. Under the PennDOT warrants, in order for a street to be eligible to have a street hump, there would have to be 1000 vehicles a day on the street, which is about 100 cars an hour. 15% of the cars have to exceed the speed limit by 10 miles an hour and cut through traffic has to be 40% of the traffic with a minimum of 100 cut through. Mr. Catania said that in reviewing the report the speed was found to be 24 miles an hour going northbound and 28 miles an hour going southbound. Mr. Heller said we can put speed humps wherever we want without PennDOT's approval but we risk litigation.

Mr. Catania said he would feel better if the Police would rewrite the Traffic Study and at least rewrite the speed info. Mr. Catania said that Council should consider the standards for traffic calming. Mr. Catania said that the Borough can establish their own traffic standards. He said that a car going over 10 miles an hour on a local road is going too fast. According to the Motor Vehicle Codes, the Police can't ticket them for going over 10 miles the speed limit but Mr. Catania said that is too fast. Mr. Catania said his recommendation would be to adopt something that would state you could not go over 6 or 7 miles over the speed limit. The speed limit would be the local standard for speed. He said we should also consider lowering the amount of 1000 cars traveling the road per day. He said we might also leave out 100 vehicles per day. Mr. Catania said Council should also consider the neighborhood count of how many want speed humps. Would it be 70%, 60 % etc. A survey should go out to the neighborhood where the neighbors would be directly affected. If we put out a survey to 20 residents and we get 5 yes and 5 no, how do we count the other 10. This has to be spelled out. The study in 2019 was conducted over five days. The study was done when the shopping center was open. Should we wait until September until school is back in session to do another study. Any surveys that were completed previously would not count. The survey should be done now. One of the attendees of the meeting asked why do we have to do the study again; can we just put in the street humps now. Mr. Heller asked what would be the chance of litigation from the speed humps. Mr. Wills said that a speed hump can be the direct cause of an accident and a speed hump is a direct cause of vehicular damage. Mr. Wills said that we would need to contact the Borough's liability insurance carrier and to tell them that we are thinking about placing speed humps on various Borough streets. We need to know if this is a good idea or a bad idea in terms of financial risks to the taxpayers in the Borough. Mr. Wills said that we are the custodian of taxpayer's dollars and we need to make prudent decisions along those lines. Ms. Sawicki said that whatever standards we use, we have to be able to do this for any other street in the Borough. Another attendee from the meeting asked why are we worrying about a car getting in an accident from speeding instead of worrying about the children getting struck by a car. Mr. Wills said that for every decision that Borough Council makes, there is a balance of risk versus reward. These are not easy decisions, they are not clear decisions and there is not always a right or wrong decision. Much thought and deliberation is required whenever we decide something so we will get it right. In conclusion, Mr. Heller said that Council will discuss this further.

#### INSPECTORS' REPORTS

##### FIRE MARSHAL – MR. LESLIE

Mr. Leslie was not present.

##### BOARD OF HEALTH –

There was no report.

##### ZONING OFFICER –

There was no report.

#### PUBLIC DISCUSSION

Tom Dykes, W. Brookhaven Road, said that we had our first Concert on June 19<sup>th</sup> and there were about 85 to 90 people that attended. Even though it rained, everyone had fun. The next concert is on July 21<sup>st</sup> and the Band will be Bad Habitz. We are working on a Concert for August 18<sup>th</sup>. There will be a Family Day Meeting on August 14<sup>th</sup> at 7 pm.

Please let us know if anyone would like to help out. Our new FaceBook page is [brookhaven,pa-recreationboard](#).

Linda Riffert, Bradbury Road, said that Whiteley Road was flooded during the recent rain on June 26<sup>th</sup> and the cars could not get through. She wanted to make Council aware of it.

ADJOURN

There was no other business to come before Council. Ms. Sawicki made the motion and Mrs. Heller made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 7:45 pm.

Respectfully Submitted,

Mrs. Joan Boyle  
Recording Secretary