

MINUTES  
BROOKHAVEN BOROUGH COUNCIL MEETING  
MONDAY, JUNE 4, 2012

At 7:00 PM, Council President, Daniel McCray called the regularly scheduled meeting of Brookhaven Borough Council to order. He led in the Pledge of Allegiance to the American Flag. Mayor Hess read the names of the Borough residents who passed away during the month of May. A moment of silence was held in their memory.

The record shows that all Councilpersons and the Mayor were present and on time. Also present and on time were Borough Engineer, Charles J. Catania, Jr.; Borough Solicitor, Michael Maddren and Borough Secretary, Mary Ellen McKinley. The meeting was held Council Chambers at the Brookhaven Municipal Center.

SCHOOL BOARD REPORT – Mr. McCray said Dr. Acosta e-mailed her report for tonight to Mrs. McKinley because she could not be present this evening. He will handle that when he gives his report later in the meeting.

#### PUBLIC DISCUSSION

Kevin Shoaf, 3 Cambridge Road, addressed Council about the need for an 8' fence, especially at the rear of his property. His property is zoned C-2 but is being used as strictly residential. He explained the situation—commercial properties, e.g., Bargain Rental, an auto repair business, Cocco's Pizza all abut his property. He would like to have this 8' fence as a buffer because of the unsightly view from his property—big trucks backed up to his property line, etc.. Council referred to Borough Code Section 1416.05—"No artificial fence shall exceed six feet in height, provided however, that the Borough Council, in its sole and absolute discretion, may permit an artificial fence up to eight feet in height in circumstances where Council determines that a six foot fence is insufficient to buffer a residential property from non-residential use or an undesirable condition existing on an adjacent property." Mr. McCray said Council understands Mr. Shoaf's situation and asked for a motion to permit an 8' fence. Mr. Wilwert so moved and Mr. Linowski made the second. Motion carried by unanimous vote. Mr. Shoaf does have a 6' fence permit. He thanked Council for their decision to permit him to erect an 8' fence.

Mr. Linowski asked if anyone has heard anything about the proposed development of a portion of the Water Company property across the street. No one has heard anything.

#### FIRE CHIEF'S REPORT – Chief Montella

Chief Montella reported the following statistics for the month of May: 0 Fire Incidents; 12 Non-Fire Incidents; 19 Mutual Aids and 6 Drills for a total of 37. Broken down, these 37 were as follows: 11 structures, 4 rescues, 6 drills, 1 wire, 4 brush, 2 coverups, 3 fuel spills and 7 assists to the ambulance. There were no losses to structures, contents, vehicles nor was there any property endangered, no firefighter or civilian deaths or injuries. Manpower was broken down as follows: There were 37 calls with an average of 19 persons responding for 627 hours. There were 6 training sessions with an average of 32 persons participating for a total of 320 hours.

#### SOLICITOR'S REPORT – Mr. Maddren

Mr. Maddren said he and Mr. Catania have reviewed and made some suggested additions and/or

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changes to the Proposed Minimum Requirements of National Flood Ins. Program & PA Flood Plain Management Act (1978-166) Section 60.3 (d). They are referring the proposed ordinance to the Ordinance Committee to review.

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The Chester Water Authority Ball Field Lease has been reviewed and is in order and it is his recommendation that it be executed by the proper Borough officials.

Mr. Maddren reported that their office is looking into funding from the County to demolish the property at 3408 Victor Avenue.

## FINANCE COMMITTEE, CO-CHAIR VACANCY REVIEW COMMITTEE, POLICE COMMITTEE CHAIR AND CIVIL SERVICE LIAISON – Mr. Linowski

Mr. Linowski presented the Bills for Approval dated 06/01/12 with a total of \$63,125.14. Ms. Truesdale made the motion and Mr. McCray the second. Mrs. McKinley brought Council's attention to an addition to the list dated 06/04/12--\$153,968.00 to A. F. Damon, Inc for the 2012 Street Resurfacing Program. Ms. Truesdale amended her motion to include this amount and Mr. McCray amended his second. Motion carried by unanimous vote. The combined total is \$217,111.14.

## MINUTES APPROVAL

Mrs. Erickson made the motion and Mr. Wilwert the second to approve the Minutes from the April 23, 2012 Workshop. Motion carried by unanimous vote.

Ms. Leslie made the motion and Mr. Linowski the second to approve the Minutes from the May 7, 2012 Council Meeting. Motion carried by unanimous vote.

## MAYOR'S REPORT – Mayor Hess

Mayor Hess introduced and read a Resolution of Brookhaven Borough Council honoring Christopher Barrett Saylor, 120 East Chelton Road, Parkside, PA and member of Brookhaven Boy Scout Troop 493 for earning the Boy Scouts of America's Eagle Scout Award. Mr. McCray made the motion to adopt the Resolution and Ms. Truesdale made the second. Motion carried by unanimous vote. Mayor Hess said he hopes to present this Resolution to Christopher Saylor on June 9 at the Eagle Scout Ceremony. This is Resolution 2012-06.

Mayor Hess said that the Eligibility List for Full Time Police Officers will expire on June 16, 2012. It is the Civil Service Commission's recommendation that this list be extended for another year to June 16, 2013. Mr. Linowski made the motion and Mr. Wilwert the second to accept the Civil Service Commission's recommendation to extend the Eligibility List for Full Time Police Officers for another year. Motion carried by unanimous vote.

## COUNCIL REPORTS

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CHAIR PUBLIC WORKS, CHAIR BUILDING COMMITTEE, MEMBER FIRE COMMITTEE, DEPUTY EMERGENCY MANAGEMENT AND MEMBER LONG RANGE DEVELOPMENT – Mr. Wilwert

Mr. Wilwert reported that the employees in the Borough Public Works Department cleared debris and cut the vacant private properties at 303 West Brookhaven Road and 4945 Chester Creek Road.

They are also in the process of cleaning the sanitary sewer line on Edgewater Lane due to three different complaints of slow drains and gurgling noises in the homes.

A tree and 30feet of fence at Memorial Park was removed at the request of the Recreation Committee President, Jim LaPera.

We are awaiting the arrival of plants and mulch so that the street islands and Borough Hall can be planted and mulched.

A stop signs survey was conducted. It revealed that there are 140 signs that do not meet the new regulation on reflectability in the new PennDOT regulations. Most of the stop signs can be refaced to the new specifications by the Public Works Department but this will be a long expensive process. The new regulations require that everything be changed by January 22, 2015. It is recommended that we do 30 stop signs a year to meet the January 22, 2015 deadline. We also have four stop signs that are not in the Borough's Codified Ordinances, two that are in Upland Borough and one that has been replaced by a traffic light.

Town Watch presented two Sun Valley Seniors with scholarships at their recent Awards Ceremony. The students are Andrew German and Katelyn Dwyer.

CHAIR VETERANS GROUPS, CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING, CHAIR FIRE COMMITTEE AND MEMBER POLICE COMMITTEE – Ms. Leslie

Ms. Leslie thanked everyone who attended or participated in the Memorial Day Service, among them Ralph Galati, George Fritzing, State Representative Joe Hackett, Harry Seth, Harry Swayngim, Janice and Helen Sawicki, Sun Valley ROTC, Scouts and others.

Cornerstone Records Management has informed us that as a result of our Shred It Day on May 19, we recycled 5,120 lbs. or 2.56 tons of paper. This translates into the following:

|  | <u>Financial Value</u> |
|--|------------------------|
| 44 Trees Saved                           | \$11,000.00            |
| 17,920 Gallons of Water Saved            | 80.64                  |
| 10,496 Kw of Energy Saved                | 839.68                 |
| 154 Pounds of Pollutants Kept Atmosphere | 770.00                 |
| 13 Cubic Yards of Landfill Saved         | 650.00                 |
| Total                                    | \$13,340.32            |

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Ms. Leslie said her son and her brother's son are playing against each other in the Babe Ruth Baseball playoffs. The game will be played tomorrow night at Memorial Park. She also asked that Mr. McCray relay to the Recreation Board her thanks for the great job they did on the Baseball Closing Ceremonies.

Ms. Leslie made the motion and Ms. Truesdale the second to adopt a Resolution of Brookhaven Borough Council, approving and adopting and placing into immediate effect the updated Borough's Emergency Operations Plan. Motion carried by unanimous vote. This is Resolution 2012-07.

BUSINESS AND REVITALIZATION COORDINATOR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, SCHOOL BOARD LIAISON AND LIAISON CLOCK COMMITTEE – Mrs. Fooks

Mrs. Fooks announced the Ordinance Committee will meet on June 13 at 6:00 PM to discuss various Borough Ordinance changes and additions.

The Brookhaven Business Association meeting will also be held on June 13 at 7:00 PM here at the Municipal Center. During the meeting Mrs. Fooks will propose an idea to help the advertising of businesses within the Borough. Once she receives the Business Association's approval, she'll explain the idea in detail at the June 25 Workshop.

CHAIR HEALTH INSPECTOR, CHAIR PLANNING COMMISSION, CHAIR ARBOR/SHADE TREE COMMITTEE, CHAIR TRAFFIC CALMING AND SCHOOL BOARD LIAISON – Mrs. Erickson

Mrs. Erickson said the Planning Commission will meet on June 20 at 7:00 P.M.

Party Girls is moving into 4 East Maple Avenue.

Mrs. Erickson suggested changing the grass height limit in our ordinance from 6" to 8"-10".

Mr. McCray said we should keep it at 6" because if we let it go either 8" or 10" then people will let it grow even higher as some now do with the 6" limit.

Mrs. Erickson asked if anything can be done about people who park vehicles on their front lawn.

Also, the check cashing business in Brookhaven Shopping Center now has cars parked beside their business with for rent signs in them. Is that allowed? Mr. Al Sanbe will check into that. Mrs. McKinley said that Mr. Catania has already checked the zoning and it is allowed as is the pawn shop inside the check cashing business.

There is a home based dog food business in the Borough where dog food is made. Who inspects that?

Mrs. Erickson said Mrs. Warfield has had trouble getting in touch with Hal Lindsey (Brookhaven Green Estates). She must discuss the overgrown trees and the fact that the trees and vines near the back yards of the homes on Williamson Avenue are pulling down the power lines.

Mrs. McKinley said she will try to get in touch with Mr. Lindsey in the morning.

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The expense of sending a Certified, Return Receipt Requested Letter along with a First Class Letter was discussed. Each time this is done it costs more than \$6.00. Mayor Hess said police officers can hand deliver the letters. Mrs. Erickson and Mrs. Warfield thanked Mayor Hess.

CHAIR ZONING HEARING BOARD, CHAIR COMPREHENSIVE PLANS, CHAIR HOLIDAY PARADE COMMITTEE, CHAIR LONG RANGE DEVELOPMENT, MEMBER POLICE COMMITTEE AND MEMBER FIRE COMMITTEE – Ms. Truesdale

Ms. Truesdale said that the Zoning Hearing Board did meet on May 14 and approved the variance for Mr. DiMaio to put an addition on the back of his home at 3440 Washington Avenue. Mr. DiMaio was advised there is a 30 day appeals period should someone object to the decision of the Zoning Hearing Board.

The Holiday Parade Committee cancelled the Youth Dance they had scheduled for June 1. There was a conflict between the dance and the Junior Jump at the Brookhaven Swim Club. The Holiday Parade Committee will meet on June 13 at 7:30 PM at the Municipal Center.  
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On June 7 from 3:00 – 7:00 PM—or until sold out if before 7:00 PM, the Holiday Parade Committee is having a fund raiser at Discover Chiropractic. Nelson’s BBQ will be selling chicken and spare ribs meals.

ENGINEER’S REPORT – Mr. Catania

Mr. Catania said a sewer repair was necessary at 236 West Brookhaven Road. Plumbing Inspector, Bob Grant, had reported a problem with the street lateral. There was a separation and offset in the pipe. JMC Contractors made the repair. Mr. Linowski made the motion and Mr. Wilwert the second to ratify the repair and the expense to repair it. Motion carried by unanimous vote.

Mr. Catania spoke about a letter the Borough received from the PA Dept. of Environmental Protection. It concerned the dry weather sanitary sewer overflow on March 28 from a manhole near 280 Bridgewater Road that flowed into Trimble Run Condominiums. DEP enclosed a Consent Assessment of Civil Penalty proposing that in order to resolve the Clean Streams Law violations, a \$1,384 “monetary civil penalty payment” be made by the Borough. Mr. Linowski made the motion and Mr. Wilwert the second to have the necessary Borough Officials sign the Consent Assessment of Civil Penalty and send DEP a check for \$1,384 before June 18, 2012. Mr. Linowski asked what happened. Mr. Wilwert said we had a backup in the sewer line and it went into Trimble Run.—it is the Borough’s line that goes through Trimble Run. Motion carried by unanimous vote.

The Street Restoration Project has been completed for this year. A. F. Damon and Company did the work.

INSPECTOR’S REPORTS

The only inspector who had a report was HEALTH INSPECTOR – Mrs. Warfield

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Mrs. Warfield said that people are cutting only the front of their properties and not the back. We are getting complaints about that. If a residence is empty and the grass needs to be cut, please notify us of the fact it is empty and also if there is a need to have the grass cut.

CHAIR RECREATION COMMITTEE, CO-CHAIR VACANCY REVIEW COMMITTEE,  
CHAIR INSPECTORS AND FIRE MARSHAL, CHAIR TRASH/RECYCLING  
PERFORMANCE COMMITTEE AND MEMBER CONDO ASSOCIATION – Mr. McCray

Mr. McCray announced that there will be a Beef and Beverage Fund Raiser sponsored by Baseball/Softball. It will be at the Municipal Center on June 16 from 7:00 PM until Midnight.

On June 23 there will be a Movie Night here at the Municipal Center and on July 15 will be the Recreation Committee's fund raiser at Appleby's in Aston. The Recreation Board will get a percentage of the money taken in but you must mention the Recreation Board.

The Theatre in the Park will be on July 20 at 7:00 PM. Rain or shine. Rain will bring the play into the Gym. This year the play is "Our Town" and there is no admission fee to enjoy this event.

The Family Day Committee will be meeting later this month. Family Day is September 29 from Noon until 4:00 PM

SCHOOL BOARD REPORT – Mr. McCray for Dr. Acosta

Dr. Acosta said unfortunately she was not able to attend the meeting tonight. The important events for the month of June are:

June 1 was Celebration Day. She thanked the Borough for setting up for their event and hosting them on June 1.

June 6 is Pennsylvania Day for all of the 4<sup>th</sup> Grade Students.

June 8 is their annual Reading Celebration at 2:00 PM

June 11 is their Annual Awards Assembly at 2:00 PM

June 13 is the 5<sup>th</sup> Grade Graduation at 10:00 AM

June 14 is the last day of school. All students will be dismissed at 11:15 AM

She wished everyone a wonderful summer and is looking forward to seeing us in September. She thanked us for "another great year".

Mr. McCray said we are thankful Dr. Acosta attends our meetings and congratulated Coebourn Elementary School for achieving the Blue Ribbon Award during this school year. This is a school that makes the Borough proud.

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PUBLIC DISCUSSION

Mr. McCaughern from 4105 Mount Vernon Avenue spoke about increased traffic cutting through Mount Vernon Avenue to get to Chandler Drive. He asked that a 25 mile per hour sign be erected. The portion of Mount Vernon Avenue that Mr. McCaughern lives on is one way. Vehicles are coming through at high speeds between West Brookhaven Road and the stop sign at Woodland Avenue. Mr. Wilwert said that a 25 mile per hour speed sign can be erected but we have problems with people not wanting the sign on their property. Mr. McCaughern said he has no problem with the sign being placed in front of his house. He also asked that this section of Mount Vernon Avenue be placed on the temporary speed bump list. If a temporary speed bump is installed, how long will it stay? Mr. McCray said "a couple of weeks". Can a police officer sit on East Maple to catch speeders and those going the wrong way on a one way street? Mayor Hess said yes.

Mr. McCray said the speed bumps will not be placed until after school is dismissed for the summer. He asked motorists to drive carefully and be aware there will be more children playing outside now that school will be finished for the summer.

Mrs. Erickson asked if anyone had current information on the Senior Citizen Community near Faith Community Church. Mrs. McKinley said she will be calling Mr. Lindsey tomorrow morning to get an update.

Mr. McCray said it is necessary to have an Executive Session immediately following this meeting to discuss possible litigation and/or personnel matters.

Mr. Linowski made the motion and Mrs. Erickson the second to adjourn the meeting. Motion carried by unanimous vote.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary