

MINUTES
BROOKHAVEN BOROUGH COUNCIL
COUNCIL MEETING
MONDAY JUNE 6, 2011
7:30 PM

The Brookhaven Borough Council Meeting was called to order by Council President, John J. Wilwert, Jr., at 7:30 PM. The meeting was held in the Brookhaven Municipal Center.

Mr. Wilwert led in the Pledge of Allegiance to the American Flag. Ms. Sawicki read the names of the Borough residents who passed away in the month of May and a moment of silence was held in their memory.

The record shows the following people seated at the Council Table: Mr. Linowski, Ms. Leslie, Ms. Sawicki, Mrs. McKinley, Mr. Wilwert, Ms. MacKenzie from Beatty Lincke, Mrs. Erickson, Mayor Hess, Mr. McCray and Mrs. Mulvena from Walton, Mulvena and Associates. Mr. Donaway was absent because of his employment.

PUBLIC DISCUSSION

Harry Seth from 3633 North Clearwater Lane said that today is the anniversary of D-Day. He suggested that we have a moment of silence. Mr. Wilwert asked that everyone pause for a moment of silence at this time.

Mr. Seth said that back in 1992 a proposed procedure when sewer backups occur was prepared by our insurance brokers, Brokerage Professionals. He spoke about backflow diverters and the need for sellers to disclose the fact that there is a backflow diverter in the home. Mrs. McKinley said that she had spoken to a realtor today and the realtor agreed it is the responsibility of the seller to make this disclosure. Mr. Seth said he still wants it confirmed via a Resolution adopted by Council. Ms. MacKenzie will work on that.

David Scheidly from 4106 Woodland Avenue asked about getting compost from the County's Compost Farm in Chester Township. He spoke about the benefits of using good compost in gardens. It is his understanding that residents can no longer go pick up the compost themselves—it has to be picked up and distributed by the municipality. Mrs. McKinley will check into that matter tomorrow with the County Recycling Coordinator.

Ted Emery from 3750 Ridgewood Lane whose home backs up to Trimble Run Condominiums, spoke about the overgrowth of Poison Oak and Ivy and other weeds and vines coming from the area of D Building at Trimble Run Condominiums (280 Bridgewater Road). The overgrowth is 4'-5' high. His neighbor's yard is getting over-run by Poison Oak and other vines/weeds too. Mr. Emery said he jumped the fence to trim it back but feels this is not his responsibility and he's too old to be jumping fences. Mr. Wilwert said whatever is growing through the fence can be cut or sprayed with weed killer by the homeowner. Mr. Emery said that a few years ago Trimble Run sprayed weed killer in another area that backs up to homes and the overgrowth has started to come back again. Mrs. Elmer, Board of Health Secretary, was present this evening and Mr. Wilwert asked her to bring this situation to the attention of Mrs. Warfield.

FIRE CHIEF'S REPORT – Chief Montella

For the month of May Chief Montella reported 2 fire incidents, 16 non-fire incidents, 19 mutual aids and 5 drills

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for a total of 42. The 42 are broken down as follows: 20 structures, 5 rescues, 5 drills, 2 gas investigations, 1 co detector, 2 assists to the ambulance and 5 airbanks. No losses or property endangered civilian or firefighter deaths or injuries in May. The Manpower Report shows 42 fire calls with an average of 19 people participating for a total of 650 hours. There were 5 training sessions with an average of 36 people participating for a total of 432 hours. The second mailing for ambulance memberships has just gone out. Please support the ambulance drive.

SCHOOL BOARD REPORT – Dr. Holly Acosta

Dr. Acosta could not attend the meeting tonight because she had another meeting at the same time. She did send her report as follows:

“We would like to thank the Borough for allowing us to utilize the gym for Celebration Day. We would also like to thank the Police for crossing the students at Edgmont.

The Awards Assembly will be held on 6/13/11 at 2:00 PM.

High School graduation will be at the University of Delaware on 6/14/11.

5th Grade Graduation will be held on 6/15/11 at 10:30 AM.

The last student day is 6/16/11. There is an 11:15 AM dismissal.”

MINUTES APPROVAL

Mr. Linowski made the motion and Ms. Leslie the second to approve the March 28, 2011 Workshop Minutes. Motion carried by unanimous vote.

Mr. Linowski made the motion and Ms. Leslie the second the second to approve the April 25, 2011 Workshop Minutes. Motion carried by unanimous vote.

Mr. Linowski made the motion and Ms. Sawicki the second the second to approve the May 2, 2011 Council Meeting Minutes. Motion carried by unanimous vote.

Mr. Wilwert said Ms. Leslie has another appointment this evening and he gave her the opportunity to give her report early. She was excused immediately following her report.

ARBOR/SHADE TREE CHAIR, EMERGENCY MANAGEMENT ADMINISTRATION CHAIR, RECYCLING CHAIR AND VETERANS’ GROUPS – Ms. Leslie

Ms. Leslie thanked everyone who attended the Memorial Day Service. She thanked Reverend Weed from Full Gospel Assembly Church, Harry and Abigail Seth, George Fritzinger, State Rep. Joe Hackett, Phyllis Stevick, State Rep. Nick Miccarelli, Jim Brown, Council President, John Wilwert, Councilwoman Janice Sawicki, Sun Valley Junior ROTC and Brookhaven Boy Scout Troop 493 and Cub Scout Pack 493 for participating. Special thanks to Harry Swayngim for setting up the area for the service and taking it down. She also thanked Councilwoman Erickson and Harry Swayngim for getting everyone a cold drink of water on such a hot day.

Regarding the Emergency Management Coordinator vacancy, the interview process has begun.

Shred It Day was held on May 14 from 9:00 AM until Noon. Brookhaven Borough recycled approximately 14,050 pounds of recyclable paper. As a result of our efforts the following resources have been conserved: 119 trees, 2,670 gallons of oil, 49,175 gallons of water, 33,720 kilowatt hours of energy and 702 cubic yards of landfill space. Cornerstone Records Management Company who did the shredding thanked us for our business and commitment to recycling. Another Shred It Day will be held in the fall. A date will be announced soon.

SOLICITOR'S REPORT – Ms. MacKenzie

Ms. MacKenzie spoke about Folio Number 05-00-00357-20--on Radio Park Lane. In 2010, their assessed value was \$534,890. The proposed assessed value for 2010 is \$459,750 and proposed assessed value for 2011 \$481,500. If the owners (Home Equity Income, LLC) have already paid their Borough taxes a credit of \$326.00 for 2010 and \$232.00 for 2011 would be due them. Ms. Sawicki made the motion and Mrs. Erickson to second to authorize Beatty Lincke to execute the settlement agreement on this property. Motion carried by unanimous vote.

Regarding the American Red Cross Shelter Agreement that was sent to Brokerage Professionals for their review, Mrs. McKinley said we are still waiting to hear from BPI.

Ms. MacKenzie said she has attempted to communicate with the attorney for the new owner of 3408 Victor Avenue. Mrs. Erickson said this situation has been going on too long. It's been almost two years since the fire. Council wants to move forward with enforcement action on this property. Beatty Lincke will compose a letter to the new owner. The letter will be signed by Jon Grant, Code Enforcement Officer.

FINANCE COMMITTEE, FIRE COMMITTEE CHAIR, POLICE COMMITTEE CHAIR, CIVIL SERVICE LIAISON AND CLOCK/SIGN COMMITTEE LIAISON – Ms. Sawicki

Ms. Sawicki made the motion and Mr. Linowski the second to approve the bill list dated 06/03/11. The total is \$107,723.56. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Mrs. Erickson the second to approve the Scott Blissman, Esq., engagement letter. She explained that Mr. Blissman has now works for another law firm and the rates quoted in this new engagement letter are lower than when he was with Reed Smith. Mr. Blissman is working together with the Borough on Civil Service matters. Motion carried by unanimous vote.

Ms. Sawicki introduced a Resolution of Brookhaven Borough Council, Delaware County, Pennsylvania approving an amendment to the Borough Civil Service Commission's Rules and Regulations to exclude the hiring of part-time officers from the Civil Service Testing Process. This resolution also repeals Resolution 2006-04. She made the motion to adopt the Resolution. Mr. McCray made the second. Motion carried by unanimous vote. This is Resolution 2011-09.

Ms. Sawicki spoke about a Resolution of Brookhaven Borough Civil Service Commission, Council, Delaware County, Pennsylvania amending the Borough's Civil Service Rules and Regulations to exclude the hiring of part-time officers from the Civil Service Testing Process. This Resolution adopted and signed by the Chairman and Secretary of the Brookhaven Civil Service Commission. This was done at a Civil Service Commission meeting held on June 2, 2011, said meeting was properly advertised in the Delaware County Daily Times and Proof of Publication has been received. This is the Civil Service Commission Resolution 2011-01.

Ms. Sawicki introduced a Resolution of Brookhaven Borough Council establishing a hiring process and criteria for the appointment of Part-Time Police Officers within the Borough. She made the motion to adopt the Resolution. Mr. Linowski made the second. Motion carried by unanimous vote. This is Resolution 2011-10.

MAYOR'S REPORT – Mayor Hess

Mayor Hess introduced and read A Resolution of Brookhaven Borough Council, Delaware County, Pennsylvania honoring Police Chief, John M. Eller, for 30 years of dedicated service to the Borough of Brookhaven. Mr. McCray made the motion and Mr. Linowski the second to adopt this Resolution. Motion carried by unanimous vote. This is Resolution 2011-11. This will be presented to Chief Eller at the Citizens Police Academy Graduation Ceremonies on Monday, June 13.

COUNCIL REPORTS

COMPREHENSIVE PLANS, PLANNING LIAISON, LONG RANGE DEVELOPMENT, CONDO ASSOCIATION CHAIR, AND HOLIDAY PARADE – Mr. Donaway

Mr. Donaway was absent because of his employment.

BUSINESS SUPPORT AND DEVELOPMENT, POLICE COMMITTEE, INSPECTORS DIRECTOR, HEALTH INSPECTOR DIRECTOR AND CHAIR HEALTH/PUBLIC SAFETY – Mrs. Erickson

Mrs. Erickson said the Health Inspector is following up on high grass, firewood improperly stored and other complaints. Letters are being sent and Municipal Citations are being issued when necessary.

CHAIR TRAFFIC CALMING, RECREATION COMMITTEE LIAISON AND SCHOOL BOARD LIAISON – Mr. McCray

The Theatre in the Park will be held on July 15 at the back of the Municipal Center. More information will be given as it becomes available.

CHAIR ORDINANCE COMMITTEE, CONDO ASSOCIATION, ZONING OFFICER DIRECTOR, ZONING HEARING BOARD LIAISON, AND ASSISTANT SCHOOL BOARD LIAISON – Mr. Linowski

For the time period May 4 through June 4, 2011, Zoning Officer Harold Hampton has issued Zoning Permits for 5 sheds, 2 patios, 3 fences, 3 signs, 2 decks, 3 businesses, 1 garage and 3 additions. 1 application for an additional addition was denied for 3705 Commerce Avenue. They have appealed the decision of the Zoning Officer to the Zoning Hearing Board for a hearing on June 14, 2011. They are seeking a 2 ½' variance from the 10 foot side yard setback.

More often than not, a refund is due to residents who have come before the Zoning Hearing Board for an appeal. Often it takes six weeks to get the refund back to the applicant. Mr. Linowski made the motion and Ms. Sawicki made the second to add Zoning Hearing Board refunds to the automatic paid bill list effective immediately. Motion carried by unanimous vote. Mrs. McDade will be asked to add this to the list.

Mr. Linowski was asked if either he or Mr. Donaway had responded to a recent e-mail from State Representative's Office regarding a complaint from a resident at Hilltop. Mr. Linowski said he had not.

ENGINEER'S REPORT – Mrs. Mulvena

Mrs. Mulvena reported our NPDES MS-4 report is due June 9. The report is being finalized and will be submitted on time. We have to be more pro-active and encourage people to participate in programs being offered. There is a Conservation and Storm Water Workshop on June 23 in Radnor Township and again on June 29 in Thornbury Township. At these workshops explanations of how residents can conserve water will be discussed. There is also a Webinar on Water Quality and Stormwater on Thursday, June 16. Mrs. Mulvena suggested that the Public Works Staff and other Borough Officials participate in this Webinar. The cost is \$40. Harry Campbell, Senior Scientist, Chesapeake Bay Foundation will take a look at what is being done to ensure an essential resource is not lost to the citizens of the Commonwealth at this Webinar.

Mrs. Mulvena is working on the Energy Smart Delaware County Grant to be submitted on behalf of the Borough. She has gotten an extension until Wednesday. The grant amount is \$15,000.

Mrs. Mulvena continued her report saying she attended a meeting at DELCORA. The topic of the meeting was the Eastern Act 537 Plan. DELCORA explained what they were looking at doing. There were 4 options discussed.

The Stormwater Management Tip of the Month (TOM) said that recent environmental studies have found that drinking water supplies across the country contain contaminants from a variety of pharmaceuticals. The health impact of these contaminants is not yet known. The common practice of flushing unwanted pharmaceuticals down the drain or toilet is thought to be the main source of this contamination. If you have unused or expired medications at home, including common medications like aspirin and cough syrup, don't pour them down the drain or flush them down the toilet. Dispose of them responsibly. Ask your pharmacy if it takes back unused prescriptions. Do not throw prescription drugs into the trash without first emptying them from the bottle. Mix medications with coffee grounds or kitty litter and then put the mixture into sealable bags or empty cans and then into the trash. This helps ensure that prescription drugs are not stolen from trash cans. Mr. Wilwert will put the TOM on the website and channels 10 and 33.

INSPECTORS' REPORTS

BOARD OF HEALTH - Mrs. Elmer for Mrs. Warfield

Mrs. Elmer said the Board of Health has issued 16 Municipal Citations for high grass.

FIRE MARSHAL - Mr. Leslie

Mr. Leslie said that Cardinal Pre-School located in the Slavic Evangelical Baptist Church on Edwards Drive had unsafe conditions. They were nailing windows and doors shut. This has been corrected.

Ricks Tree Service has started taking the sirens and brackets that Springfield gave us down. They will be taken to the Borough Garage for safekeeping.

Rick Nordensen, Property Manager for Pulte Homes—Traditions at Ridley Creek-- called to report people are using gas and charcoal grills on the balconies. This not permitted on any balcony in any development in Brookhaven—Trimble Run, Hilltop, Camelot Court, etc.

At 511 Camelot Drive, a propane tank was installed on the property line. Neighbors are concerned.

BUILDING - Mr. Feindt

Mr. Feindt reported that banks are not requiring certificates of occupancy, especially on short sales. Real estate agents need direction and know that a certificate of occupancy is necessary prior to settlement. Someone should be issued a citation for failure to obtain the necessary certificate of occupancy. It's a violation of Brookhaven Ordinances.

Several inquiries have been made about the former Blast Fitness on Creek Road. Endless Pools has inquired about it for manufacturing and shipping. They want loading docks out front. Mr. Wilwert said there will be no loading docks out front. Endless Pools is located on the other side of Chester Creek as you go in to Aston.

Mr. Feindt said there's lots of construction going on prior to applications for permits being submitted. Lots of work on weekends too—people sneaking jobs in. Mayor Hess was asked to have the police check for permits, especially on weekends. Mr. Wilwert will put something on the sign about the need for permits and don't start before you have the permit in your hands.

ZONING - Mr. Hampton

Mr. Hampton said that Dollar Tree has inquired about space in the C-5 District—just inquiries though. They will have to get Conditional Use to go there. Mr. Hampton spoke about the management company for the Cambridge Square Shopping Center blaming the Borough for the delay in the opening of the nail salon. He intends to write to them and let them know it wasn't the Borough. They should not have leased the property without making sure it was properly zoned for the business.

ELECTRICAL, CODE ENFORCEMENT AND PLUMBING - Messrs. J. Grant and R. Grant

Mr. Jon Grant agreed that people are not getting the proper permits for work being done at their home or business. He said we should follow the lead of other towns. For example, Chi-Chester doubles the cost of the permit fee and fines the applicant that amount. Ms. MacKenzie will look into that practice.

PRESIDENT'S REPORT – Mr. Wilwert

Mr. Wilwert asked for a motion to waive the permit fee for Walgreen's Alex's Lemonade Stand for Cancer Research on June 11. Ms. Sawicki made the motion and Mr. Linowski the second. Motion carried by unanimous vote.

The 10th anniversary of the September 11 plane crashes is just around the corner. Brookhaven Town Watch will be having a memorial service on that day at 6:00 PM. Members of the VFW, American Legion and all other veterans and/or veterans organizations are invited to come and participate. In addition, family members of soldiers currently serving in Iraq, Afghanistan or anywhere else are cordially invited to attend also. There will be an expanded program this year. Among other participants will be the St. James Choir. "Real food" will be served after the memorial service.

The Borough is having a problem with people going on to the Borough Garage property and dumping. That facility has a 24 hour surveillance system. Just this weekend someone deposited a huge tree stump down there. The tapes will be reviewed and when caught, the individuals will be fined. Our Borough Garage is private property.

Mr. Wilwert spoke about the Memorial Day Service and how nice it was. It was very emotional and the speakers

spoke about interesting things. Everyone involved did a nice job.

PUBLIC DISCUSSION

Mr. Holt from 3709 Arlington Avenue spoke to council about all of the signs posted on poles—yard sales, homes for sale—all kinds of things. Also spoke about the ground signs that have been placed throughout the Borough. Mrs. McKinley said there are no permits out for posting signs on poles. Mr. Wilwert agreed all the signs on the poles are unsightly. Mrs. McKinley said she can't reach them to take them down but if someone brings them to her, she'll send letters or make phone calls to those who put the signs up. Mr. Wilwert said save the wire frames. They can be put to good use here for our events.

Mr. Feindt from Sir Galahad Drive complimented the Borough Maintenance Department for their work on the traffic islands. The shrubs and flowers look beautiful. The guys are doing a wonderful job. Mr. Wilwert said they still have a little more work to do on some of the islands and thanked Mr. Feindt for his compliments.

Laird Shively asked if the irrigation system at the Butterfly Garden has been repaired. Mr. Wilwert said yes, the leak has been fixed. He asked about the watering schedule. Mr. Wilwert said it is on a timer that comes on early in the morning and after dusk at night. Harry Swayngim has the schedule. Mr. Wilwert thanked Mr. Shively for the nice job he does cleaning up the islands and other areas for which he is responsible.

Mrs. Mulvena thanked the Ambulance Crew that came to the assistance of her father this weekend. Her father got wonderful, professional care. It was comforting for the family and Mr. Walton to know the people who were assisting him during his need for emergency medical assistance. Mr. Wilwert said when you see familiar faces coming to help you it is comforting.

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

Respectfully Submitted,

Mary Ellen McKinley
Borough Secretary