

**MINUTES**  
**BROOKHAVEN BOROUGH COUNCIL WORKSHOP**  
**MONDAY, MARCH 26, 2018**

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, Mr. Pappas, Mayor Hess, Solicitor Stone and Borough Engineer Mrs. Mulvena. *(Mrs. Joan Boyle, Brookhaven Planning Commission Secretary, recorded the minutes for Mrs. McKinley in her absence).*

**GREEN ESTATES (“OLD HAL LINDSAY PROJECT”)**

Mr. Patrick Donahue, from Brookhaven 55 LLC was present to give a presentation to the Council Members. Mr. Donahue said that the property has been vacant for some time. Mr. Ron Knabb, who is an Architect, recently purchased it. He was one of the partners with Mr. Lindsay on the previous project. Mr. Donahue said that his group, Brookhaven 55, has an agreement to purchase the property but it is contingent on a few things. Mr. Donahue said that they could build it cost effectively that makes sense for both the borough and our investor. He said that they have run a lot of numbers on it and that the numbers do not work for an investor to put a lot of money into it. That is one of the reasons it has sat idle for such a long time. Mr. Donahue said that if the units had one more story, it would work. Initially when the Borough approved the plans it was for three stories with 84 units. Everything was ready except to pick up the building permit. Mr. Lindsay never picked up the permit because the costs do not make sense for that type of units. The code has changed since that time; at the time of approval it was 38 feet limit height of building; the code is currently 55 feet height. It is 50 feet for the fire department. Mr. Donahue said that if they were allowed to add one more story to each of the buildings, it would bring the amount of units up to 112. This would still be under the 55 feet code and the 50 feet ordinance required by the fire department. The plan is to not have attics in the buildings. The attics seem to be a problem regarding sprinkler installations. They plan to have ceilings on all the units, which would take away the need for an attic space and make it easier for the fire department to combat a fire there. Mr. Donahue said there are a few challenges: one is the amount of parking spaces. They would need the approval of Council to add a four story; they would need an exception to put in the fourth story. Mr. Donahue said that construction costs have gone up since the beginning of the original project. Mr. Donahue ran the numbers that Mr. Lindsay had again. Mr. Lindsay had said that he needed to have 25 units in the building to cover the costs of construction but that would not show any profit. Mr. Donahue said that he has an investor that is willing to purchase the land for us and to fund the entire project.

The investor owns a number of projects and he wants to come in for this project; however it has to make sense for him financially. It has to be a financially viable project. Without the fourth floor, the numbers will not fit. Mr. Donahue said that nothing would change from the original footprint except that it would go up higher. If needed, they would put parking underneath the buildings. Mrs. Mulvena said that the Zoning Board would have to grant the exception to the code and not the Council. Mayor Hess asked if the Fire Department had a problem with this. Mr. Donahue said that they were concerned that they would be able to get the ladders up that high. The way the plans are now is that there would be no interference with parking so that the fire trucks can get close to the building. Mr. Donahue said that they would work with the Fire Department with this. Chief Montella said he spoke to Mr. Donahue previously and they compared it to Traditions. Traditions are only three stories so they have no problem getting to that building. Chief Montella said that Mr. Donahue would have to talk to the Fire Marshall to see about the sprinklers, etc. The setbacks would have to be approved with the Fire Marshall; the ladder trucks definitely have to get close to the building. Fire Marshall Leslie said that they would have to look into everything. The Fire Department always “has to plan for the worst” in case anything happens. Mr. Donahue said they would be happy to work with them. Mrs. Mulvena asked Mr. Donahue if the only variance they would need now would be for height and parking. Mr. Donahue said they might not need a variance for parking but definitely for the fourth floor. Mr. Donahue said they are going to try to put in garages and that would alleviate some of the parking. Mr. Donahue said they are aware of the pipelines that go through the property.

Mr. Heller said that he is not in favor of making exceptions so that the developer can make more money and further irritating residents that border that property. Mr. Donahue asked if it would irritate the residents; it is only a ten-foot difference that what was approved. Mr. LaPera asked how they are proposing to put in the parking; Mr. Donahue said they would put in finished basement areas for parking. Mrs. Fooks asked how much space there would be between the existing neighbors. Mr. Donahue said there would be plenty of space. Mayor Hess asked what would be the going rate for the units. Mr. Donahue said that they are two bedrooms; two baths with a den, Mr. Donahue said he spoke to a realtor and recommended \$250,000 but Mr. Donahue said they budgeted \$210,000 with upgrades available. Also the floor plan allows flexibility to change the den into a bigger bedroom or to open up the wall space to a more open area. Mrs. Karen Dauber, a realtor that does much business in Brookhaven, said that there is a demand for this type of housing in Brookhaven. She said that she does have a concern about the landscaping that would affect the residents that live on Williamson Avenue. She said that they may not want to feel like they are looking at a city landscape. Mrs. Dauber said the developer could offset it; for instance putting in a berm, or have pine trees; with the right landscaping it could make it look more appealing. Mr. Heller said that the residents of Shepherd Street were told they would have trees behind them with the new shopping center and they do not have trees.

Mr. Donaway said the original project has to go back at least ten years. He said that he was always hoping that a commercial developer would come in and do something with this land to help beautify the Avenue. Mrs. Dauber said that there is a great demand for affordable 55 and over housing and she feels that a residential development would be more appealing and less on traffic congestion. She feels this would be less of an impact on the original homeowners adjacent to this land. Mr. Donahue said that this would be a benefit to the community and they would not make it look like an eyesore. He said that it is not so much about us making more profit; he said that without the fourth floor it would not be built because it is not financially feasible. Mr. Hampton, Zoning Officer, said that it was in 2001 when we did the original overlay. Someone wanted to build six medical buildings there. They came before the Zoning Board; they were going to put up a six-foot high berm. Mr. Hampton said that the new developer will have to put in a berm and landscaping since it was in the original plans. There were no other comments.

#### FIRE DEPARTMENT PRESENTATION

Chief Montella gave a presentation on their Ten Year Strategic Plan detailing their needs and what they will be replacing in the next ten years. Some of the facts given were:

- ~ their oldest pumper was purchased in 1992 for a cost of \$245,000. The cost today of a new engine is \$600,000. They will need another one in 2022; it is a two-year process,
- ~ Squad 52 truck was just painted. It was purchased in 1999 for \$365,000. We are hoping that it can last until 2029; we are constantly taking care of it.
- ~ Quint 52 truck was purchased in 2008 for \$687,000 with equipment. This truck was purchased by the Borough for us.
- ~ 2017 Rescue Pumper is our newest truck. It was purchased for \$700,000 with equipment. It replaced the 1992 Rescue which was purchased for \$265,000. This truck is a multi task truck that has water in it.
- ~ Utility Truck was purchased in 2011
- ~ Ambulance 52 is a 2009 GMC. It will need to be replaced in 2022 for a cost of \$220,000.
- ~ 2008 Ford Ambulance. Needs to be replaced in 2019 or a cost of \$200,000. These ambulances cost a lot of money.

Our Truck Inspection and Maintenance is done every year. Each truck has to be serviced. The Borough currently helps us out with the costs. We received money through the Borough for our Volunteer Training. We get an average of \$45,000 from the state each year that is used for volunteer training and insurance coverage. We have an audit every three years from the state and they determine the money we receive from the audit. Every volunteer has to pass all background checks; they need yearly certifications and they need professional certificates. There are many hours of training for fire fighters and EMT's. They have many different training classes to take. We have an Active 911 Program. The members paid \$12.65 to have it on their phones. It has a tracking system, locates all the fire hydrants, the exact location of every house, pictures of the schools, businesses, etc. It was explained how the computer system works. It is great technology and great to have.

The cost of one fire fighter's equipment is \$10,330 total. Equipment is good for ten years only. After ten years, it has to be discarded. The only person exempt from wearing equipment that is older than ten years would be the drivers and they are not allowed to go anywhere near the fire if their equipment is older than ten years. One of the fire fighter volunteers displayed each piece of the equipment for everyone to see.

Chief Montella said that they have to do annual testing each year for all equipment at a cost of \$16,800. The Borough helps with the budget. We are in the process of replacing all lighting with LED lights to save money. The floor for the engines has to be resealed and their computers have to be upgraded. They are planning to paint the inside of the building and upgrade the security system. A big project is the SCBA replacement. They are hoping to apply for a grant. They are our air packs and have to be replaced every ten years.

#### DiFIORE PROJECT AT 315 W. BROOKHAVEN ROAD

Mr. Stephen J. Wasylyszyn, P.L.S., from G. D. Houtman & Son, Inc. was present to give a presentation at the property at 315 W. Brookhaven Road. The lot is two acres and there is a 130-foot frontage on W. Brookhaven Road. They are going to subdivide seven lots for single family homes. The land is also on Arlington Avenue and Edwards Drive. The project is too small to form a HOA. There is a smaller lot on the corner of Arlington and Edwards that the developer wants to give to the Borough for Open Space. They appeared before the Brookhaven Planning Commission in February and they questioned if the Borough should take the Open Space. Mrs. Mulvena recommended that the Borough does not take it. The lot is 120 feet deep and 79 feet wide – approximately ¼ acre. It is a larger open space that is required by the Zoning Ordinance. Mrs. Fooks asked what becomes of it if the Borough does not take it. The property is zoned R-1. Each of the house lots meets the criteria for the Zoning Ordinance. Ms. Sawicki said she thought it would be a nice area to put in some benches, trees and sidewalks. There are no parks now in that area. It comes down to the maintenance of the lot. Mrs. Mulvena recommended that the developer have a HOA for the seven houses and they can take care of it. Ms. Sawicki said that the Borough has more control over it if we own it. Mr. Donaway said that the Borough wanted to purchase the entire property but were unsuccessful in getting grant money. Mr. DiFiore was present and he said that he was more than happy to give the required open space to the Borough but he wants the Borough to take care of it. Ms. Sawicki asked what condition the lot will be in. Mr. DiFiore said it would be cleared with a few trees on it. They can remove the trees if the Borough wants. It will be flat. Mr. Donaway asked if there were any input from the audience. One gentleman said that we should take it; someone else said maybe it could become a garden. Mrs. Mulvena talked about the sanitary lines on the property. Mr. Wasylyszyn said that they are going to tap into Brookhaven. Mrs. Mulvena also asked about sidewalks. Mr. DiFiore said that they were before the Planning Commission and they will put in sidewalks. Mr. Donaway said it sounds to him like Council agrees that Brookhaven should take it.

**PUBLIC DISCUSSION**

Mr. Jimmy Costa, 216 Upland Road, wanted to talk to Council about the property at 212 Upland Road. He has concerns about this property, which is next door to his. He has spoken to the Borough Health Inspector in the past. Some of his concerns were that there was water leaking from the roof for three years, which has affected the electricity. There is no electricity on the second floor. They run an extension cord from the bedroom of the first floor outside the window through the window on the second floor. Mr. Costa said he has heard that they have had no plumbing in the bathroom. The owner of the property is a relative of the person that lives there, along with nine other people. There have been open gasoline cans and many bags of trash on the property. Mr. Costa said that he has seen rats and skunks on his property since they are attracted to trash. The Fire Marshall said they have been there before about the extension cord but after they leave, it happens again. Mr. Costa said he is trying to sell his house and he has had to lower it by \$30,000 because of the appearance of the house next door. The realtor was present and she said she showed Mr. Costa's house on Sunday; the people were interested in buying the house but they noticed the extension cord and wanted no part of living next door. The window in the house is always open and trash is thrown out of the window onto Mr. Costa's property. Mr. Costa has seen children in their above ground pool with the water being green. Mrs. Janice Ford, 208 Upland Road, was also present and agreed with everything that Mr. Costa said. Mrs. Ford said the problems have been going on for 15 years and nothing is done. She said that they have to pick up trash on their property that is coming from the house. She said that all the neighbors adjoining the property try to clean it up. Solicitor Stone said that there is a procedure we have to follow. He said he would look into it and talk to Mrs. Warfield to see what has to be addressed. Mr. Costa said that he needs to sell the house and this is unfair to him. Mayor Hess said that it sounds like there are multiple violations at this house and asked what the Borough can do. Solicitor Stone said that the Borough cannot go into the house at this time but that if the neighbors give the Inspectors permission to go into their homes and let the Inspectors see what they see, then based on the Inspector's observations, citations and fines can be issued. Mr. Jon Grant, the Code Enforcer, said he has been to the house several times. He said that the person living in the house would not do anything. The owner of the house does not want to do anything unless he has to do it. Mr. Grant said that we couldn't go into someone's house without his or her permission. He said he has been to Media several times with citations and nothing ever gets done there. If the Borough sends them a citation, they just throw it away. Ms. Leslie asked at what point does a home become uninhabitable or condemned. Solicitor Stone said that it is a process. Mr. Costa said he is most concerned about the children that live in there. Mrs. Dauber asked if we have an occupancy rental limit in the Borough. Solicitor Stone said we do but the problem is how can you prove how many live in there. Solicitor Stone said that we would look into this.

**SOLICITOR'S REPORT**

Solicitor Stone reported that the only item he had was the public hearing on the Comcast Cable Franchise Agreement between The Borough of Brookhaven and Comcast of Southeast Pennsylvania, LLC. All Council members have a copy of the resolution at the so that they can review it at the April 2, 2018 meeting.

**MAYOR'S REPORT**

Mayor Hess had no report.

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

Ms. Leslie reported that there would be a recycling event on Saturday, April 14 from 9:00 am to Noon for both electronic and paper items in the parking lot. Also, if anyone puts their TV out on the curb before April 14, our maintenance men will come by and pick it up and store it in the garage until the recycling date.

**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 told the Council members that the Bill List was in their packets for their review. She said that Mr. Swayngim has been getting prices for generators for traffic lights when the electric goes out. We are getting six generators for a cost of \$850 each. The maintenance department will hook them up when needed. Ms. Sawicki said she would put them on the bill list. Mr. Donaway said that Mr. Schultz is also looking into this and it will be discussed at a meeting on April 2, 2018. Ms. Sawicki also talked about an ATV Plowing vehicle that is needed for the snow. The cost will be \$9,071.50. There was a discussion if an ATV was needed since we have snow blowers. Mr. Donaway said that the snow blower Mr. Swayngim uses keeps breaking down so at the least the snow blower will have to be replaced. The Council members concluded that they need more information about this and more time to think about it.

**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 the Technology Committee met on March 13. The two fixed cameras for the Council Meeting Room and a network video camera in the front office have been installed. We are waiting for an external microphone that is on back order, it should be installed shortly. Mr. Donaway, Solicitor Stone and Mr. Heller will be meeting to make resolutions for the rules governing the recordings.

Mr. Donaway said that he would like the resolution to be done before we go to the next step for the recordings. Mr. Heller said that they are going to test it without the microphone to see about the quality. Mr. Heller ordered a new laptop for the Board of Health at the request of Mrs. Warfield and he ordered a new laptop for Emergency Management at the request of Ms. Leslie. The software for the Board of Health laptop is being installed and then the Board of Health Officer will have to be trained. The plaques from Coebourn School have been returned to the Historical Committee and they will be displayed sometime in April or May.

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

Mr. Pappas reported that the Planning Commission has rescheduled their meeting for Tuesday, March 27. Mr. Donaway asked about the Rezoning Ordinance. Ms. Sawicki said that it has to go before the Delaware County Planning Commission and then a waiting period of 45 days, so it cannot be approved until June or July. That is the way the law is written. The Brookhaven Planning Commission is finished with it. Brookhaven Council will be able to approve it in June or July.

**VICE PRESIDENT OF COUNCIL, CHAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING HEARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS –**

Mr. LaPera reported that the Zoning Board is meeting on April 10. Mr. Hampton said that Aldi was talking about their signage.

Saturday, March 31 at 12 noon – Annual Easter Egg Hunt. Pictures with the Easter Bunny will be taken from 10 am to 11 am.

Tuesday, March 27 at 6 pm - We will be stuffing the Easter eggs in the gym. If anyone wants to come to help, they will be most welcome.

Mr. Donaway said that we have received no information from Camp Haven about their Insurance. They need to have insurance in order to operate. We have had an offer from Rocky Run Y to hear about their proposal to run a camp here. Mr. Donaway said that we do not want to wait too long and find out that we do not have any camp here. He said that Rocky Run will take care of doing everything for the camp and they take their campers on trips and go to local swimming pools. Mr. Donaway said that he wants to enhance the camp here for our children. He wants to entertain having them come before Council and talk about their proposal. Solicitor Stone said he had no objections. Mr. Donaway said this would only be for getting information.

**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 met on March 22<sup>nd</sup>. They discussed the fire lane parking and want to change the fine for parking in the lane from the current \$15 to a higher rate. However, they found out at the Workshop meeting that the amount of \$15 has been set by the State. The fines for this are regulated by the State so it has to stay at \$15. The vacant MAB store will be a tobacco store named Prime Tobacco Outlet. Mrs. Fooks said that some residents are frustrated that there is not a diversity of businesses that are coming to Brookhaven; however, there is nothing we can do if there is no interest. The Providence Animal Center will have a chip/vaccination clinic in our gym on Tuesday, July 17.

**ENGINEER'S REPORT – MRS. MULVENA**

Mrs. Mulvena reported that the new Grinder has been installed. Two of our pumps failed over the weekend. We are still struggling with completing the work on Shepherd Street. Technical reports came in today and there shows there is a high flow at Trimble and Ridgewood. There is still a problem with the sinkhole on West Brookhaven Road. We need a letter sent from the Solicitor to PennDOT. When PennDOT built the roads, they piped the water from the stream under the road. Our Solicitor is looking into the laws concerning this. The project on Melvin and Gray is complete. We abandoned the easements. The front lawns on W. Brookhaven Road will have to be repaired. The PECO Open Space grant application is due March 31. The grant requires the adoption of a Resolution and the selection of the project. It was decided at the last meeting that improvements could be done at Somerville Park. We can request \$5,000 from PECO and the Borough will match \$5,000 to use for benches and mulch. A motion for the Resolution was made by Mr. LaPera and seconded by Ms. Leslie. There were no objections. The Recycling Grant is due on April 7<sup>th</sup>. We are getting three quotes for a Utility Pole Installation at Jim Durkin Field.

**PRESIDENT OF COUNCIL, CHAIRMAN PUBLIC WORKS AND BUILDING, HOLIDAY PARADE LIAISON, MEMBER POLICE COMMITTEE – MR. DONAWAY.** Mr. Donaway reported that Mr. LaPera, Mrs. Fooks and he interviewed Pat Natale to replace Mary Jo Ruth as a part time Borough Clerk. Ms. Natale is retired from Bryn Mawn Trust and has all the requirements needed for the job. She can come on-board after April 1<sup>st</sup>. With her requirements, Ms. Natale can also help out our Treasurer. A motion to hire Ms. Natale was made by Mrs. Fooks and seconded by Mr. Heller. There were no objections. She will work for two to three days a week at \$15.00 per hour.

Mr. Donaway wanted to remind the Council members that Mr. Thompson needs to know their thoughts about a new Leaf Machine or if we are going to have residents put their leaves out in bags. Ms. Leslie is still waiting for two businesses to get back to her about sub-contracting the work. Mr. Donaway said we need feedback ASAP.



INSPECTORS' REPORTS

BOARD OF HEALTH – MRS. WARFIELD

Mrs. Warfield was not present. No report.

PUBLIC FIRE SAFETY OFFICIALY – CHIEF MONTELLA AND/OR MR. BYNUM  
Chief Montella had no further report.

FIRE MARSHAL – MR. LESLIE

Mr. Leslie said he has been speaking to someone from Brookhaven Shopping Center and he is looking for the money he has coming from Brookhaven. Mr. Leslie said that the requirements needed for the shopping center have not been done. Mr. Leslie asked the Council members to not release any money until this is complete. Mr. Leslie said that Burman's is expanding in the Shopping Center and will be taking over more store fronts. The Shell Station has changed owners. Aldi's is coming along. The Police now have two lock boxes for Traditions. Trimble Run Condo's are under new management. They have an Ordinance that states there are to be no grills on the balconies. There were two fires on Mt. Vernon Avenue. Please be careful of generators.

ZONING OFFICER – MR. HAMPTON

Mr. Hampton said that Burger King has benches sitting out on their grass for their customers to sit out. At the present time, they want to leave them where they are.

PUBLIC DISCUSSION

There was no other public discussion

ADJOURNMENT

There was no other business to come before Council. Mr. Donaway made the motion and Mr. Pappas 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  
(Substituting for Mrs. McKinley)