

MINUTES  
BROOKHAVEN BOROUGH COUNCIL MEETING  
MARCH 28, 2016

At 7:00 PM, Council President Wilwert called the Workshop Session of Council to order. He 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. The following people were seated with me at the Council Table (from my right to left): Ms. Sawicki, Mr. Linowski, Mr. LaPera, Mrs. Fooks, Mr. Wilwert, Solicitor Maddren, Ms. Leslie, Mayor Hess, Mr. Donaway and Engineer Catania.

Mr. Wilwert announced that tonight Council met in Executive Session from 6:35 – 7:00 PM to handle legal and personnel matters.

#### PUBLIC DISCUSSION

Mike Ruggieri from East Garrison Road asked Council and the professional staff to monitor and oversee the landscaping at Lowes and Shop-Rite. Maximize the number of trees in that area so that it has a positive aesthetic appeal. Mr. Wilwert said that they will oversee and monitor the project.

Mr. Journey from Trimble Run Condominiums said there is an ongoing problem with the stream “out back” at Trimble Run. The erosion caused by this stream is only 4 ½ feet shy of taking down a building. He said it is the Borough’s storm water that is causing that. We need better storm water management. When there is heavy rain it causes the little stream to become “raging water”. Aqua’s sewer lines are exposed. Mr. Wilwert said the Borough Engineer will go to the site. There is a legal issue if this is actually on private property. Mr. Journey gave his phone number so Mr. Catania can call before he comes there. Mr. Journey and/or another man mentioned would like to be present for the inspection. Mr. Leslie asked if Butch is still the maintenance person for Trimble Run. Mr. Journey said yes.

George Scarino, 4112 North Gray Street said he spoke to Mr. Catania before the meeting to let him know that with the little wind storm we had today 2 of his remaining pine trees fell down—one near his back porch and the other on the opposite side near the fence. These trees were in line with the repair work to be done to lay the storm sewer. He’s concerned that the only two trees left have had their roots compromised and they will die. Mr. Catania said he will send someone out to see Mr. Scarino.

Theresa Jones who lives to the left of Mr. Scarino’s house said they purchased their home (4108 North Gray Street) seven months ago. They are having problems with water on their property and a sink hole forming by the grate. Messrs. Donaway and Catania were at the property and the contractor working at Mr. Scarino’s property will take care of that. Mr. Catania will keep them informed about what’s going on.

SOLICITOR’S REPORT – Mr. Maddren said his report was covered during the Executive Session of Council.

MAYOR’S REPORT – Mayor Hess

Mayor Hess said that at the April 4 Council Meeting he will be reading a Mothers Against Drunk Driving (MADD) Proclamation.

#### COUNCIL REPORTS

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CHAIR FINANCE AND INSURANCE COMMITTEE, CHAIR LONG RANGE DEVELOPMENT, MEMBER FIRE COMMITTEE, MEMBER CIVIL SERVICE COMMISSION AND CHAIR CONDO ASSOCIATION COMMITTEE – Mr. Linowski

Mr. Linowski said that a more current bill list will be presented for adoption at the April 4 Council Meeting.

He continued his report by saying that he and Mr. Rodo from Catania Engineering will be attending a meeting this Friday concerning the street lighting project so the proposed resolution will be acted upon at a future Council Meeting, if necessary.

CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, CHAIR FIRE COMMITTEE AND CHAIR POLICE COMMITTEE – Ms. Leslie

Ms. Leslie said that on Saturday, April 2 from 9:00 AM until Noon there will be an electronics recycling and shredding event for Borough residents.

Ms. Leslie said the Fire Committee met last week. She asked Mr. Catania if it was possible for someone to put up white strip lines off Edgmont Avenue at Dutton Mill Road, Whitley Road, Cambridge Road and Coebourn Boulevard.

CHAIR PUBLIC WORKS AND BUILDINGS, LIAISON TO HOLIDAY PARADE COMMITTEE, CHAIR COMPREHENSIVE PLANS, MEMBER TRAFFIC CALMING COMMITTEE AND MEMBER POLICE COMMITTEE – Mr. Donaway

Mr. Donaway said that the County Community Service Workers did a fantastic job in Eaton, Sampson and Memorial Park.

Grass cutting by the Borough Public Works Crew will begin next week. They will start at Memorial Park. The park will be ready for Opening Day on April 9.

Mr. Donaway continued his report saying there was a sewer overflow on Easter Sunday at Stone Hill Apartments, 532 West Brookhaven Road. We did notify DEP. The overflow was not a Borough problem.

Mr. Donaway suggested to Council that a smaller wooden version of the large Borough Seal that is on the wall behind the Council Table be made for the various podiums throughout the building. Rick Fuller did the one behind the Council Table. Mr. Wilwert said it was a good suggestion and suggested he contact Rick Fuller.

The resident at 101 Bradbury Road called to say there is a sinkhole in front of his house that is causing his sidewalk to crack. Mr. Catania said the Borough will take care of fixing it. Messrs. Donaway and Catania will speak to the homeowner about it.

LIAISON TO ZONING HEARING BOARD, LIAISON TO RECREATION COMMITTEE, MEMBER GRANT COMMITTEE, MEMBER LONG RANGE DEVELOPMENT, MEMBER CONDO ASSOCIATION - Mr. LaPera

Mr. LaPera said a preliminary budget for work at Eaton Park has been made. It includes \$18,000 for demolition of the tennis and basketball courts and the fence; \$52,000 for making a Bituminous Path with lighting; \$63,000 for a pavilion on a concrete pad and tables for the pavilion; \$16,000 for paving, backboards and striping on a new basketball court; \$62,000 for a concessions stand on a concrete pad; \$20,500 for the play structure and

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safety surface for a tot lot; \$3,500 for the play surface and bench at a Bocce Court; \$2,000 for the play surface and bench at Horseshoe pits and \$11,000 for landscaping which will include a Wildflower garden, trees and shrubs. The grand total of this project is \$248,500.00. Mr. LaPera will be included in a phone conference with our State Representative. The conference call will be about a 15% matching grant. Mr. Donaway said he believes Eaton Park does have electricity.

The block for the wall at Memorial Park has arrived and work will begin tomorrow.

The overhead door at the Sampson Park Concession Stand has been installed.

Mr. LaPera will be giving the security camera quotations to Mr. Catania tomorrow.

The Opening Day Baseball/Softball Parade is on Saturday, April 9. It steps off at 9:00 AM from Faith Community Church's Parking Lot.

**BUSINESS AND REVITALIZATION COORDINATOR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, SCHOOL BOARD LIAISON, CHAIR TECHNOLOGY COMMITTEE, CHAIR GRANT COMMITTEE AND MEMBER POLICE COMMITTEE – Mrs. Fooks**

Mrs. Fooks said the Ordinance Committee met on March 17 and discussed the Peddlers/Solicitors Ordinance. They want to revise it to include an end time (currently says one hour before sunset), add a section on revoking permits due to repetitive complaints and add a rules section. They are also working on a new solar ordinance. Terry Heller, a resident who has some knowledge about solar, attended the meeting as did Zoning Officer Harold Hampton. Mr. Heller has requested to be part of the Ordinance Committee. Mrs. Fooks will be making a motion at the April 4 Council Meeting to bring Mr. Heller on to the Ordinance Committee. The Ordinance Committee's next meeting will be on April 21 at 6:30 PM.

Under Business Revitalization, Mrs. Fooks reported that some residents were inquiring as to whether a new business was going into the Party City Storefront in the Brookhaven Shopping Center. Party City is actually part of Pep Boys and they are using that area for storage.

The owner of the vacant old Wawa building is reviewing with our Zoning Officer the possibility of removing a small portion of the building to make a drive through. There is nothing official as of today.

We have received plans and applications for Giant, Smashburger, Hair Cuttery and Starbucks at The Shoppes at Brookhaven/Retail Sites.

Lowes is moving right along on schedule. Mrs. McKinley said they are hiring and will be doing so from the former Mande's location in Plaza 352.

Rita's Water Ice has made beautiful improvements to their storefront. If you haven't been there yet, Mrs. Fooks encouraged everyone to go see the improvements.

Plans and applications for the updates to Wawa's current building have arrived. A temporary trailer will be placed in the parking lot while they shut down for the renovations. This will serve as a kiosk to continue to sell gas, soda, cigarettes, gum and mints. The store will close on April 25 and reopen around May 20.

Mrs. Fooks asked if Shop-Rite will have a pharmacy. They are.

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The Brookhaven Community and Business Association continues to receive new memberships.

Delaware County Open Space, recreation and Greenway Planning has an Open Space Covenant Program (Act 515). Mrs. Fooks said she thinks we should contact them to receive a copy of the pamphlet and full application/information packet. Mrs. McKinley suggested the number be given to Mr. Catania since they assist us in filing grant applications.

Under Community News, Mrs. Fooks said Coebourn Elementary School's Brownie Troop is collecting new and old towels for the Delaware County SPCA to assist them with taking care of dogs and cats. This effort will go on until the end of April. Bins can be found in the Municipal Center vestibule. Please consider dropping off a towel or two and help these poor animals. There are also bins at Coebourn Elementary School.

The SPCA will hold their vaccination/chip clinic at our Gym on Tuesday August 23 from 4:00-6:00 PM.

Dog licenses can be purchased at our Borough Office during normal business hours.

**CHAIR ARBOR/SHADE TREE COMMITTEE, LIAISON TO HEALTH INSPECTORS AND HEALTH OFFICER, MEMBER OF GRANT COMMITTEE, LIAISON TO PLANNING COMMISSION, MEMBER LONG RANGE DEVELOPMENT COMMITTEE AND MEMBER FIRE COMMITTEE – Ms. Sawicki**

Ms. Sawicki said our Planning Commission wants to see the plans for Shop-Rite. Plaza 352 is a major shopping center. Mr. Wilwert said that legally Shop-Rite does not have to come before either Delaware County Planning or Brookhaven Planning because they are not changing the footprint of the building but he wants the plans to be reviewed by our Planning to get their recommendations and suggestions, especially for the parking lot area. Once our Planning Commission gives Council their recommendations and suggestions, Council will make sure they are given to Shop-Rite officials. Right now Shop-Rite officials are being difficult.

**ENGINEER'S REPORT – Mr. Catania**

Mr. Catania said Middletown Township Sewer Authority is progressing with the design on the project to construct a new sewer line along Chester Creek Road from Dutton Mill road to Bridgewater Road. They had presented some information about a year or so ago but just recently sent another set of plans for a floodplain letter. The project is scheduled to start late this summer and will finish up in late 2017. Mr. Linowski said the line will be in the street.

At Council, Mayor Hess and the Professional Staff's desk tonight was a copy of a Stormwater Management Application, Stormwater Management Report and Landscaping Plan for Katz Properties (Plaza 352). Mr. Catania said this is the shopping center driveway modification. In the past the former owner was difficult to get responses from. He said he has been getting nowhere with Shop-Rite either. Mr. Maddren said Katz Properties, the current owner, is working very well with us.

**INSPECTORS' REPORTS**

**FIRE MARSHAL – Mr. Leslie**

Among other things, Mr. Leslie reported that Mande's has to be brought up to safety codes before Lowe's starts using the facility for hiring employees at their store. He spoke about the tractor trailers being parked at Plaza 352, near where the salt pile is located. There are also abandoned cars there too which makes the parking lot unattractive.

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Someone has taken the No Parking in Fire Lane signs down—3 or 4 of them in Brookhaven Shopping Center and 2 in Cambridge Square.

Lowes in Plaza 352 is coming along nicely.

In the Cambridge Square Shopping Center in front of Giant the storm drain has been blocked by them with shopping carts lying on their side. Mr. Catania said there is a problem with the storm sewer inlet and he is working with Giant on a plan to fix it.

### BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield spoke about a day care center in the Full Gospel Assembly Church where they store the children's' lunch in their refrigerator. The Board of Health wants to make sure everything is clean. The owner would be willing to get a license but not pay for it. Mr. Leslie said he does an inspection there. Mr. Wilwert asked Mr. Maddren to investigate this. Mr. Wilwert said it's better to err on the side of safety.

She continued saying there is a property in the borough where the owner is storing junk but the owner doesn't consider it junk. The resident has put the junk in 3 canvas tents—using these as a shed or garage. Mrs. Warfield will give Mr. Maddren the address so he can look into it.

Mrs. Warfield asked who makes sure the businesses have a very visible address. Mr. Wilwert said we do have an ordinance governing that. Fire Marshal Leslie said that 97% of the businesses are in compliance. For those who are not the Code Enforcement Officer should send a letter to the business owner or property management company.

There is a house on Dutton Mill Road that has been unoccupied for over a year. The Borough has to wait on the mortgage companies to get things done. Because the neighbors or their guests sometimes park in the unoccupied home's driveway it looks occupied.

### PUBLIC DISCUSSION

Tom Dykes, 305 West Brookhaven Road, said it's nice to hear things are getting cleaned. The playground equipment in Sampson Park has green mold on it. He had his grandchildren there and noticed it. Mr. LaPera Said that Gary Thompson and his crew will power wash the playground equipment. Mr. Dykes also said that Eaton Park's parking lot needs to be repaved. He was told by Dan McCray 3 years ago that the parking lot was going to be repaved. It is 3 years since Mr. McCray's passing and it's still not done. He spoke about the "pass through" at the park. Mr. LaPera asked if we have to increase the paving. At one point TD Bank was using the parking lot for their employee parking. Mr. Dykes said there was no one using the park but there were 3 pickup trucks parked there. The parking lot has a lot of holes in it too. This is a park in memory of Mr. Eaton and the condition it's in now is a dishonor to him. Mr. Dykes said the Borough needs something in the parks for adults. Mr. LaPera said suggested a pavilion for picnics and music events. Mr. Donaway said that the borough has fixed up the parks and people tear them up.

Helen Elmer from 4924 Jackson Drive said that people are "blowing through" the Stop Sign at the intersection of Jackson and Jefferson all the time. Among other things, Mayor Hess said that we have that problem all over the borough and it is the residents who are doing it. Mrs. Warfield said once she had accidentally blown through that Stop Sign too.

Mr. Donaway said that the Borough's Meadowbrook Lane parking lot is in bad shape. One of the neighbors

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is storing road salt on our property. Can we make a small park there? Mr. Donaway asked Council to think about what we can do with it besides maintaining it. Mr. Linowski said one tiny piece of our property touches Chester.

With no other business to come before Council, Mr. Linowski made the motion and Mrs. Fooks the second to adjourn. Motion carried by unanimous vote.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary