

MINUTES
BROOKHAVEN BOROUGH COUNCIL MEETING
MONDAY, MARCH 5, 2012
7:00 PM

Council President McCray called the meeting to order at 7:00 PM. He led in the Pledge of Allegiance to the American Flag. Mayor Hess read the names of the Brookhaven residents who passed away in the month of February. A moment of silence was held in their memory.

The record shows the meeting was held in Council Chambers at the Brookhaven Municipal Center and the following people were seated at the Council Table: (from my right to left): Ms. Leslie, Mr. Wilwert, Mrs. Fooks, Mr. Linowski, Mrs. McKinley, Mr. McCray, Mr. Maddren from Maddren Law Office, Ms. Truesdale, Mayor Hess, Mrs. Erickson and Charles Catania, Jr., from Catania Engineering Associates. Everyone was on time.

SCHOOL BOARD REPORT – Dr. Acosta

Dr. Acosta thanked Council for the opportunity to attend the meeting and speak. Dr. Acosta said the past week has been a busy one. She spoke about Sun Valley Night for Middle School and High School students. She said that PSSA testing will be done on March 12.

SWEARING IN OF BENJAMIN KYLER

Mayor Hess asked Chief Eller to join him in the front of the room. He also asked Benjamin Kyler and his family to step forward. Chief Eller said that last year when Officer Rick Fuller retired, the Civil Service Commission was asked to establish an eligibility list to fill the vacancy for full-time police officers. The Civil Service Test was administered on April 30, 2011. He explained the process it took to narrow the 21 candidates down to only three. Mr. Kyler is a veteran police officer. Most recently since 2002 he worked as a Police Officer in Eddystone. He gave other employment history. Mr. Kyler has been a resident of Brookhaven for 22 years. With Officer Kyler's wife Nancy, his son Zachary and his daughter Emilie holding the Bible, Mayor Hess administered the Oath of Office which had also been done shortly after Officer Kyler's appointment on February 6.

FIRE CHIEF'S REPORT – Chief Montella

For the month of February, Chief Montella reported the following statistics:

<u>Type</u>	<u>Month</u>	<u>Type</u>	<u>Month</u>
Fire Incidents	5	Non Fire Incidents	14
Mutual Aid	23	Drills	6

Broken down, the reasons for the above incidents are as follows:

Structures	22	Rescues	3
Drills/Training	6	Gas Investigations	3
Brush	1	Coverup	1
CO Detectors	2	Hazmat	1
Smoke Investigation	1	Assists to Ambulance	4

There were no losses to structures, contents, or vehicles nor was their any property endangered. There were also no firefighter or civilian injuries or deaths. On the 48 fire calls there was an average of 16 people responding for a total of 570 hours. For the 6 training sessions, an average of 25 people participated for a total of 263 hours.

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PUBLIC DISCUSSION

John Coleman from 714 Adams Drive, is said he is a lifelong resident of Brookhaven. He said at the beginning of the year he discovered Facebook and shortly after he Brookhaven 19015 page created by Don Roberts. Mr. Roberts wanted this page to be a group discussion for the discussion of everything to do with the small Borough of Brookhaven. It was apparent that not many people had been posting pictures so Mr. Coleman posted a 1906 postcard of the Chester Reservoir at the corner of Duttons Mill Road and Edgmont Avenue. He asked that others post any old pictures they could find for people to comment on them. Mr. Coleman said he had spoken to Mr. McCray about this project and it was agreed it was a great idea. Within a little over a month 200+ people have posted pictures. He has met with George Cobourn, the last descendant of the Cobourn family that still resides in Brookhaven. Mr. Coebourn shared with him his childhood photo album from the early 1930's. Mr. Cobourn permitted him to scan the photographs into his laptop. Messrs. McCray and Coleman visited with Mr. Cobourn a few days later so he could explain the photographs to them. He named some of others who have given him helpful information. Mr. Coleman said he brought is laptop and after the meeting he will be glad to show anyone what he has collected so far. Mr. McCray said this project is very educational and thanked Mr. Coleman for his hard work.

Jesse Tucker from 421 Camelot Drive spoke about the fact that he still has a lot of concerns about the "Act 537 business". It is his understanding that Southwest Delaware County Municipal Authority (SWDCMA) is \$15,000,000 in debt. Who is going to pay that \$15,000,000? No one has really explained to his satisfaction what the Act 537 Plan is. He understands that the Federal Clean Water Act has something to do with this. He has heard that those homes on the SWDCMA System will be paying \$85.00/year for 20 years. Mr. Catania said each town is required to have an Act 537 Plan. A portion of Brookhaven is treated by SWDCMA. The SWDCMA Plant has problems. Transferring SWDCMA to DELCORA will take SWDCMA out of business. Mr. Tucker wants Council to reconsider their previous adoption of the Act 537 Resolution. Maybe Brookhaven should have its own 537 plan. Mr. Linowski, speaking as a resident whose sewage is treated by SWDCMA, said he and his wife bought their home on Chester Creek Road in 1963 when the home was built. Brookhaven Borough's Wastewater Treatment Plant (BWWTP) did not have the capacity to accept the new homes being built. There was a Builder's Agreement made between the builder and SWDCMA. They had no choice—they had to go into SWDCMA. They paid \$35 per quarter then and now they are paying \$200 per quarter. We are not going to alleviate that. SWDCMA can no longer afford to stay in this business. He said he supports the plan. DELCORA employees have no say in this plan. The staff and Board of Directors of DELCORA have the say. The BWWTP can not handle the capacity of the homes on the SWDCMA system. We would have to tear up the streets and put new lines in. Mr. Linowski explained that the \$15,000,000 is part of the \$85/month for 20 years fee mentioned above if SWDCMA decides to go out of the sewer business. DELCORA would handle it. The whole eastern side of Brookhaven Borough goes to DELCORA already. They pay \$272.00 per year. Mr. Linowski said he would share with Mr. Tucker figures showing what DELCORA expects in the future-5, 10, 20 years.

Dawn Jones, President of the Brookhaven Basketball Program, and the 8 Year Old Boys Team presented Council with two trophies they won—2012 Collingdale Athletic Club's 24th Annual Tournament—Champions and the 2012 Brookhaven Invitational 8 Year Old Division Runner Up. The team and coaches were congratulated and a photo session followed.

George Scarino from 4112 North Gray Street asked for an update on a solution to the flooding problem he has brought to Council's attention at previous meetings. Mr. Catania said that he has done a drainage study

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and it was shared with Council within the past week or so. Council needs some time to “digest it”. Mr. Scarino thanked Mr. Catania for doing a good job and said how much he appreciates it.

Paul Manna, President of the Traditions at Ridley Creek (TRC) Homeowners’ Association, 434 Creekside Drive explained what has been happening at TRC’s property over the last week. The gates are still not up. They continue to have the TRC property being used as a cut through by non TRC residents. One person using the property as a cut through threatened to blow up the property. A company was called to set up a chain gate on the Williamson Avenue end of the property so no one could get in or out of the property. Mr. Manna said Fire Marshal Leslie went to TRC to meet with them. Mr. Manna said he also spoke to Chief Eller about the situation. The chain is easy to take down in case of an emergency. Mr. Manna said he did find out the gentleman who was holding up the installation of the gate by not signing necessary paperwork has since signed the papers to “sign off on the gate”. The Borough should be notified when the gate will be installed.

SOLICITOR’S REPORT – Mr. Maddren

Mr. Maddren recommended Council make a motion to approve the lease with Chester Water Authority for the ball field on their property subject to his review of the final document. Mr. Linowski so moved. Mr. Wilwert made the second. Motion carried by unanimous vote.

Regarding the tri-party agreement between the Borough, State Representative Hackett and the County for the space swap, Mr. Maddren asked for a motion to approve it. There is no change in the financial figures for either State Representative Hackett or the District Court. Mr. Linowski made the motion and Mrs. Erickson the second to approve the space swap. Motion carried by unanimous vote.

Mr. Maddren said the proposed Loitering Ordinance is ready for Council action if they so desire. Mr. Linowski made the motion and Mr. Wilwert the second to authorize the Solicitor to properly advertise the proposed Loitering Ordinance for adoption at the April Council Meeting. Motion carried by unanimous vote.

Regarding storage of the Boy Scout Trailer, the agreement was sent to Mr. Prince for signatures and they are working on getting the necessary certificate of insurance for the Borough.

The proposed ordinance for towing of vehicles during snow emergencies and other situations at the request of the Fire Marshal and/or Fire Police Captain is ready for Council action if desired. Mr. Linowski made the motion and Mr. Wilwert made the second to authorize the Borough Solicitor to properly advertise this proposed ordinance for adoption at the April Council Meeting. Motion carried by unanimous vote.

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

Mr. Linowski presented the Bill List dated 02/02/12 with a total of \$64,393.57. To this he added two other bills—\$125.00 to Kramar, Roman and Florence for sewer pipe repair at 3427 Commerce and \$512.60 to MetLife for Officer Kyler’s life insurance policy. This brings the total to \$65,037.17. Ms. Truesdale made the motion to approve the bill list as amended. Mrs. Erickson made the second. Motion carried by unanimous vote.

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MINUTES APPROVAL

Mr. Linowski made the motion to approve the Minutes from the January 23, 2012 Workshop. Ms. Truesdale made the second. Motion carried by unanimous vote.

Mr. Linowski made the motion and Ms. Leslie the second to approve the Minutes from the February 6, 2012 Council Meeting. Motion carried by unanimous vote.

MAYOR'S REPORT – Mayor Hess

Mayor Hess said that on March 8, 2012 a new law forbidding texting while driving will go into effect. As he has said before, get off your cell phone while driving through Brookhaven. The life you save may be his.

COUNCIL REPORTS

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

Ms. Truesdale said that there will be no Zoning Hearings in March but the Board will meet in April to take care of some paperwork.

The Fire Committee and Fire Company are looking into establishing and implementing a program to charge user fees for the deployment of public safety services rendered by the Brookhaven Volunteer Fire Company for incidents other than medical and hazardous materials. Other departments have already done this. Ms. Truesdale is hoping to hear from Fire Company President, Jon Grant, about this and getting sample ordinances from other municipalities.

Mrs. Truesdale said she is in the process of setting up a meeting with the Long Range Development Committee. Ms. Leslie has offered to bring the Committee up to date on their meetings over the past several years.

The Holiday Parade Committee is planning some fund raisers. They will be holding a teen dance for children ages 10 through 13 here at the Municipal Center. It will be held on April 20 from 6:00-10:00 PM. The Holiday Parade Committee is looking for volunteers. If anyone would like to get involved, please contact her or a member of the committee. They would like to make the 2012 parade even more spectacular than the spectacular 2011 parade. Financial donations will be greatly appreciated to help cover the expenses involved. Mrs. McKinley said that in the past when there were youth dances at the Municipal Center, there were participants driving to the dances—too old to be attending. Identification should be presented for entrance into the dance to make sure the child is not too old. Mr. Wilwert said he will get information about the need for volunteers and financial donations on the website. He will also announce the Youth Dance.

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

Mr. Wilwert said that two new discharge pumps were installed in the retention pond at Sampson Park.

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Dukes Root Control treated problem lines on Williamson Avenue, Greenwood Street and also the line running through the woods in the rear of Trimble Run Condominiums.

The railroad tie steps at Memorial park were removed and the area was graded and seeded.

A die test was performed on the 48" storm sewer from Lister Street to Mt. Vernon Avenue on Chandler Drive. We were checking for infiltration into the Brookhaven sanitary sewer line. No infiltration was found.

The 8" sanitary sewer line in the 300 block of West Brookhaven Road was televised and cleaned. A collapse in front of 313 West Brookhaven Road was found and JMC Construction repaired the problem. Another collapse was found about 40' further up. This will be repaired as soon as possible.

Mr. Wilwert continued his report by saying all of the Stop Signs on the secondary streets that intersect with Edmont Avenue have been brought into compliance with the new PennDOT Manual of Uniform Traffic Control Devices (MUTCD) with the installation of 36"x36" Stop Signs. This new regulation will impact the Borough in a very large way with all of the new changes that have to be completed by 2014 for regulatory signs and 2018 for other signs. They have even included regulations on Street Name Signs. The MUTCD is 844 pages long.

The fencing at Sampson Park that Girls' Softball request was completed by DM Welding and Fence Company.

Town Watch will be teaming up with the Brookhaven Borough Chapter of the Sunshine Foundation to raise funds for sick children.

Ms. Truesdale asked Mr. Wilwert if Town Watch could get involved with youth dances. Mr. Wilwert said he would discuss this with Town Watch members.

Mr. Wilwert said Town Watch Officers are working on presenting awards to their members.

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

Ms. Leslie spoke about the Borough's updated Emergency Operations Plan. Larry Bak from the County has suggested some amendments to the plan so the Resolution necessary to adopt the plan will be brought before Council at the April Council Meeting.

The equipment necessary to make identification badges has been purchased from IDville and has arrived. The Emergency Management Committee will set up dates and times for the various groups to have their photo taken for the badges.

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

Mrs. Fooks said the Ordinance Committee would like to appoint Erica Fooks to the Committee. Ms. Truesdale made the motion and Mr. Linowski the second. Motion carried by unanimous vote. Mrs. Erica Fooks was in the audience and was introduced. The Committee will meet on March 28.

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There is still interest by a developer to purchase Plaza 352.

The possibility of large lantern lights along Route 352 is being explored. The Committee is looking into getting some grant money for this project.

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

Mrs. Erickson had nothing to report this evening.

ENGINEER'S REPORT – Mr. Catania

Mr. Catania received quotations for overhead LED lights in the gym. It is his recommendation that these lights be purchased from Miller Lighting & Energy at a cost of \$5,400 with installation by Higgins Electric at a cost of \$2,490. Also recommended Gym perimeter LED lights from Miller Lighting & Energy at a cost of \$1,036.84 with installation by the Borough. Mr. Wilwert made the motion and Mr. Linowski the second to accept the above recommendations. Motion carried by unanimous vote.

Regarding the Borough Hall HVAC System, Mr. Catania suggested energy efficient upgrades and asked for authorization to prepare bid specifications and advertise them for the replacement of five additional units in the administration area and kitchen. Mr. Wilwert so moved and Ms. Leslie made the second. Motion carried by unanimous vote.

Three emergency sanitary sewer repairs were necessary at 331 West Brookhaven Road, 40' from 331 and another one further down on the same line will be repaired tomorrow. Mr. Wilwert made the motion and Mr. Linowski the second to ratify these sanitary sewer repairs. Motion carried by unanimous vote.

Mr. Catania said that he has prepared a tentative street list and cost estimate for the 2012 Street Resurfacing Program and spoken to Mr. Damon about the Program. Mr. Damon has agreed to the rates in the existing contract. Mr. Catania asked for authorization to utilize the existing contract with A. F. Damon Company, Inc. for this work. Council unanimously agreed with the motion made by Mr. Linowski and second by Mr. Wilwert.

INSPECTORS' REPORTS

BUILDING INSPECTOR – Mr. N. Sanbe

Mr. Sanbe reported he attended International Code Council classes for Residential Building Inspector Certification last week and has passed the examination. This certification is good for three years. The record shows the Certificate is dated 3/5/12. A copy of will be placed in Mr. Sanbe's personnel file.

EMERGENCY MANAGEMENT – Mr. Cornog

Mr. Cornog's report was given by Ms. Leslie earlier in the meeting.

FIRE MARSHAL – Mr. Leslie

Mr. Leslie said there are some reports about smelling gas on School Lane. It's an unsafe situation.

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Spectra Energy (Texas Eastern) is getting ready to come in next month in connection with the pilot plan they shared with the Borough last year and the progress report they gave us on January 20 when they met with representatives from the Borough.

Mr. Leslie said the chain across the Williamson Avenue end of Traditions at Ridley Creek is only temporary. Once the gate is up, the emergency vehicles will need switches to activate the opticon device that is supposed to be installed on the gates.

Mr. Wilwert asked Mr. Leslie to see him after the meeting.

No other inspectors had reports to give.

PRESIDENT'S REPORT – Mr. McCray

Mr. McCray said he is working with Mrs. Erickson on portable speed bumps. He and Mrs. Erickson will be speaking with residents about these speed bumps before they are installed.

The stuffing of 5,000 plastic Easter Eggs will be on Tuesday, March 27. Chief Montella said those helping from the fire company will be there at 7:00 PM to help. The Easter Egg Hunt is Sunday, April 1. Photos with the Easter Bunny will be from 12:00 Noon until 1:00 PM. The Hunt will begin at 1:00 PM.

Girls Softball will be having a contest on April 7 in Sampson Park.

Mr. McCray asked that the permit fee for the Veterans of Foreign Wars to sell their poppies for a total of 23 days during May and June in front of Pathmark and Save A Lot. Mr. Linowski made the motion and Mr. Wilwert the second. Motion carried by unanimous vote.

PUBLIC DISCUSSION

Harry Seth from 3632 North Clearwater Lane spoke about the “major impact” the SWDCMA situation will have and the DELCORA Act 537 Plan. He feels that public hearings should have been held. Mr. Maddren said public hearings were already held by the County. Mr. McCray said we have been discussing the Act 537 Plan since last March. Mr. Seth asked if SWDCMA could sell off some of their property to help with their debt. Mr. Linowski said that the property is owned by Aston Township. People in the system did not pay for that ground. It would revert back to Aston Township no matter what happens.

There was no more business to come before Council and Mr. Linowski made the motion to adjourn. Mr. Wilwert made the second. Motion carried by unanimous vote.

Respectfully Submitted,

Mary Ellen McKinley
Borough Secretary