

MINUTES
BROOKHAVEN BOROUGH COUNCIL WORKSHOP MEETING
MONDAY, MAY 20, 2019

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, Mayor Hess, Borough Engineer Mrs. Mulvena and Solicitor Mr. Stone. Planning Commission Secretary Mrs. Boyle recorded the minutes. Mr. Pappas was not present.

PUBLIC DISCUSSION

Mr. Laird Shively, Sir Galahad Drive, asked if the five acres of woodland between the Ballpark and Dutton's Mill Road's is owned by Brookhaven Borough. Yes, it is. He then asked if there were any plans with what will be done with those five acres of woodland. Mr. Donaway said we haven't discussed it recently. There were plans for Council to do a walk-through but it has not been done as of yet. Mr. LaPera mentioned that there was talk about it becoming a dog park.

Mr. Tom Dykes, W. Brookhaven Road, commented that we do not want to take any more trees down in the Borough. He said that the Recreation Board has discussed to make walking trails through there; no cement but just walking trails. Mr. LaPera said it was discussed to make the trails connect to the rest of the property. The five acres does not go to Dutton's Mill Road – just goes to the Water Property. The zoning for the ballfield and the extra five acres is still zoned as “park”. The Borough does have the deed for these five acres. It was mentioned by Council that they would take a walk through.

Mr. John Moletteri, Cooper Road, said he came this evening for an update of what has been done for his water problem. The problem is getting worse. Mr. Moletteri said that the water has been coming up through the crawl space. He said that he has lived at this address for 47 years and he has never had water problems until recently. He does have a second sump pump and a back-up sump pump that runs every five minutes. He had a French drain under the crawl space and he had to get that modified. Mr. Moletteri said that there is a fence behind his house that is a borderline between his house and Hilltop.

There was a swale behind the fence, which was a water retention basin, and somehow Hilltop was permitted to fill the swale in to be used as a dog park for Hilltop. Mr. Moletteri said that the Borough was going to take care of the ballfield side since the land was deeded to the Borough. Mr. Moletteri said that not too long after the swale was filled in, he started to get water coming up through the concrete in his crawl space. It has flooded his rec room and his powder room; he had to have a hose running out the bath room window to get rid of the water. Mr. Moletteri said that he has done everything that was suggested by the Borough to alleviate the water problem. He has put a 70-foot French drain across his back yard. On the left side of his house he has a three-tiered garden and the water is coming up through the garden. All across the back of his house is all mud and he cannot cut his grass. It has gotten more severe. Mr. Moletteri asked if there were any suggestions by the Borough as to what more he can do.

Mr. Jon Grant said that he has been to the property and there are inlets running through the property but no water is in them. Mr. Grant said that there is no water running through where the swale was. Mr. Moletteri said that no one said the water ran through the swale; it was supposed to collect the water from the creek. Mr. Moletteri said that for 47 years he had no problem with water until the swale was filled it. Mr. Donaway said that he does not feel the Borough would have ever given permission to Hilltop to have the swale filled in. Mr. Moletteri said it was suggested to him by someone in the Borough to dig out the swale and to find out where the water is coming from. Mr. Moletteri said he has put in two swales on either side of his house to help the problem and he is still getting the water. Mr. Moletteri said that he feels he is owed something by the Borough to correct this problem. Mrs. Mulvena said that we did have discussions with Hilltop Management and sent them the plans; it came back from them that it was not their storm sewer and so it was not their problem. Mrs. Mulvena said that we have had people from the Borough looking through all records to see who approved filling in the swale. No one has been able to find out any information. There are sheets missing on the original plans that would have notes on them. Mrs. Mulvena has checked with Delaware County and Catania Engineering and the sheets are missing on their plans also. Sheets 1, 3 and 4 are missing and usually all the notes about easements, etc. are on Sheet 1. Mrs. Mulvena said that the suspicion is that if we televise the line to look for the problem, Hilltop will assume that we are admitting we own the line and then we would be responsible to fix it, even if we do not own it.

Mr. Hess asked what we can do to help with this problem. Mr. Donaway said he feels it is more of a legal question. It was asked how can Hilltop say they do not own it.

Mrs. Mulvena said that to go back in history, there was a one parcel of land, all owned by Iacobucci Builders which included where the ballpark and the present Hilltop is. When they deeded the park to the Borough, there was a storm sewer line installed through the ballfield. That is what is showing on the drawings; the sewer does not continue to the Hilltop property on the drawings. Since the line is showing on the Borough park, Hilltop is saying that makes it the property of the Borough. Easements are issued all the time and Mrs. Mulvena does not believe that Brookhaven Borough would have accepted ownership of this line; it was installed for the construction of Hilltop. The land was owned by the builder so it would have made sense for the line to be there. Mrs. Mulvena said we are still researching this. Ms. Sawicki said that the Hilltop apartments were there in the 1960's and in 1968 they became Condo's. Ms. Sawicki said information should be at the Court House. Mr. Donaway said that the County has the same records we have; the three sheets are missing.

Mr. Moletteri wanted to give a final update on what he is doing. He is in the process of getting a contractor to dig up the second tier of his garden and he is going to line it properly and stone it, etc. and he is going to run another 70 feet of French drain to the sewer. This is the last thing he can do. He is at a standstill. Mr. Moletteri is trying to sell his house and he cannot do it with the water problem.

Fire Chief Montella suggested to put dye in the Hilltop drain to see if it come through Mr. Moletteri's sump pump. Mrs. Mulvena said one of the problems is that we are finding throughout the country that with the wet weather, the springs underground are having to move to different locations and find new routes. The ground they used to follow are infiltrated and they have to find new routes. This is not unique to just Brookhaven but happening nationwide. Mr. Moletteri said again that he had no problem for 47 years with water but it started when the swale was filled in. Mr. Donaway said he does not feel that the Borough would have ever allowed this. Mr. Moletteri said that he did not want to bring this up but now he wanted to. There is a terra cotta pipe that runs through his back yard that is four to six inches and that it is not legal. The pipe is not documented on his deed. He feels something should be done about it. It runs through the main drain. He wants it off his property. He found it when he put a patio on his property several years and the builder found it. He explained to Mrs. Mulvena where this pipe is located. Mrs. Fooks asked if we could call 811 to find out about the pipe. Mrs. Mulvena said a pipe that is 4 inches would not be recorded for this. Mr. Dykes asked if a previous owner could have put in the pipe. Mr. Moletteri said that would not have happened.

Mr. Moletteri said that he wanted Council to know that he is complaining because he wants to sell his home for personal reasons and needs this water problem corrected. He thanked Council for their time.

SOLICITOR REPORT

Mr. Stone reported that the draft Ordinance for Geo Solar Thermal has been properly advertised and will be scheduled for consideration at the June 3rd Council Meeting.

MAYOR HESS

Mayor Hess had no report this evening.

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

Mr. Pappas was not at the meeting and there was no report.

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 last week and wanted Mrs. Fooks to mention some things to Council this evening. One of the items discussed at the meeting was “The Young Lungs At Play” in all the parks. Mrs. Fooks asked if there is a sign in all of the parks in the Borough that indicates “Young Lungs At Play”. Mr. Donaway said the signs are in most of the parks. Mrs. Fooks said that this is a state initiative and not a law; the Ordinance Committee asked how Council would feel about an Ordinance to enforce this or should it just be left alone and hope that people will not smoke when they see the signs. Mr. Stone said that they looked into this in conjunction with the Easter Egg Hunt since there were reports of cigarette butts in the area; the problem is that there is a state law that dictates that there is no smoking in state employment interior spaces. There is no directives for outside exits. Mr. Stone said that it would probably not be enforceable if we were to cite someone for smoking in a park. Mr. Stone said that you can have anti-littering laws but not one specifically for smoking outside the exits. This is specified in state law.

Mrs. Fooks said that Mr. Hampton was at the meeting and he provided us with fire lane ordinances of 30 feet. Fire Marshal Leslie asked Mrs. Fooks not to make any changes yet. Mrs. Fooks said they would not change it.

Mrs. Fooks said that based on Ordinance changes made last year, the zoning numbers in the Ordinance have to be modified. She asked if we can change this to align with our new Zoning for at least the fire lanes. This is the American Fire Prevention Code and checks with our code.

Mrs. Fooks said they also talked about dumpsters at the meeting. There was a problem with a dumpster on Charles Avenue. Do dumpsters coincide with permits for construction. Can you have a dumpster in your driveway for an unlimited period of time. Mr. Jon Grant said that as long as construction is going on, there can be a dumpster or if someone is cleaning out a house there can be a dumpster. A dumpster cannot be there permanently; this prevents someone from using a dumpster to dispose of items from their businesses. Mr. Grant said to leave this Ordinance as is presently written. Mrs. Fooks had no further updates.

VICE PRESIDENT OF COUNCIL, CHAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING EARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS – MR. LA PERA

Mr. LaPera reported that the next scheduled meeting for Zoning is Tuesday, June 11th. The Recreation Board will meet on Thursday, May 30th.

The pole for the security camera was put up at Samson Park. We are working on getting more electricity there. He had no further updates.

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

Ms. Leslie wanted to remind everyone that there is a Memorial Day Service next Saturday, May 25th, at 10 am at the Brookhaven Municipal Island.

PRESIDENT PRO-TEM, CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND INSURANCE, COMMITTEE, MEMBER LONG RANGE DEVELOPMENT AND COMPREENSIVE PLANS, MEMBER FIRE COMMITTEE AND CHAIRMAN GRANT COMMITTEE – MS. SAWICKI

Ms. Sawicki told the Council members that there was a Bill List in their packets.

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 there was no Technology Meeting this month; the next meeting will be Thursday, June 13th.

The Board of Health is advertising for a Commercial Food Inspector. The deadline for applying for the position is Friday, May 24th; we have received three applications as of this date. The present Commercial Food Inspector will stay on board until we fill the position.

The Spotted Lantern Fly Program update is that there are six more properties that have to be surveyed and once this is complete, the spraying treatment will begin. This should occur in July.

The Historical Committee met on Wednesday, May 15th and discussed the Veteran's Project. We are planning to have 50 Banners the first year and it will be expanded after that. We were going to install them along Edgemont Avenue but there are flags there so we will install them at different locations to be determined. We possibly have a donor that will pay for the installation of the flags; we should know by the end of this week. Once we know about this, we will advertise for applying for the flags.

We will have a meeting for the Civil Service Commission on Thursday, May 30th.

ENGINEER'S REPORT

Mrs. Mulvena reported that the sampler failed at the Sewer Plant. We are required to collect samples for testing.

The following are items to be discussed:

636-632 Kenney Lane – There is a storm pipe that runs between the two yards out to the street. The homeowners are complaining because it bypasses the inlet and the water is flooding their lawns. Mrs. Mulvena said that the cheapest approach would be to regrade the area; to have a contractor come in and change the elevation of the water. We are estimating that this would come from the General Fund and would be \$5,500. If we have to adjust the inlet that would be maybe \$8,500 to \$9,000.

4420 Marianne Drive has a storm sewer going through their property and Mrs. Mulvena said it looks like it is disintegrated and a hole is forming around it. It is estimated to cost \$3,500. If the pipe is bad, it might cost more. We will have Mr. Thompson go out to the property to inspect it.

Woodland Avenue and West Brookhaven Road – Chester Water Authority wants to pave there and the inlet located there has collapsed. This has to be fixed right away because of the paving that is scheduled to be done. Mrs. Mulvena said that if it is just the inlet to be repaired, the cost should be \$7,500.

400 Edwards Drive and Mt. Vernon Avenue – There is a sink hole on Mt. Vernon Ave. The lateral comes out on Mt. Vernon. That would require replacement of the street laterals. The current is on the other side of the sidewalk so we would fix only to the curb. The soil under the sidewalk has gone away. Presently there is a cone there but Mrs. Mulvena said we could put a plate over it. Mrs. Mulvena said she does not think we can wait until the Council Meeting to make a motion to fix these problems. Mrs. Mulvena said that the cost estimate for all four jobs is \$16,500 that would be out of the General Fund and \$15,000 out of the Sewer Fund. Mr. Donaway and Ms. Sawicki said that we have to fix these problems as soon as possible.

Mr. Donaway said that we need a motion to get all four of these projects done as soon as possible. The motion was made by Mr. LaPera and Mr. Heller made the second motion. The motion was carried by unanimous vote.

Mrs. Fooks said that she had a problem with a sink hole in front of her house and it took 16 bags of stone to fix it; her neighbor across the street also had a sink hole. Mrs. Mulvena said it happened because of the sewer. Mrs. Fooks said that she was told it was not the sewer. There was much discussion between Mrs. Mulvena and Mrs. Fooks about this and Mrs. Mulvena said a problem like this would happen because of the sewer.

Mrs. Mulvena said that there is a problem on 4941 Creek Road. The Public Works Department tried to televise this with the camera. They got as far as 11 feet and could not get any further. We will try again to go back in, but if not, we will have to get a contractor to come in.

PRESIDENT OF COUNCIL, CHAIRMAN PUBLIC WORKS AND BUILDING,
HOLIDAY PARADE LIAISON, MEMBER POLICE COMMITTEE – MR.
DONAWAY

Mr. Donaway reported that there was to have been a meeting regarding labor negotiations recently but it had to be postponed. The lawyer representing the Borough had a problem with his car on the way to the meeting and it will be rescheduled shortly.

Mr. Donaway said that he and Mrs. Mulvena met with the Chester Water Authority last week. They are going to start milling West Brookhaven Road. This is good news since it means that the end is getting near.

Mr. Swayngim has to order a motor for the water tower. The cost is \$3,000, which does not include the cost of labor for installation, and he requested to order two of the motors since it takes so long for one to come in; he would like to have one for use now and one to keep on hand. After much discussion, it was decided to order one and to table ordering one extra to keep on hand.

The grass behind Faith Church and Edwards Drive has been cut.

The toilets in the police station have been replaced.

Mr. Donaway reported that the Timeclock Policy is in effect and he questioned Mr. Stone if it should be put into the Employee's Handbook. Mr. Stone said that it should be added.

Our perspective Police Chief is working through all the numbers and checks. So far everything is coming back very well. It will probably be at the end of the month before the process is completed. He has not given his notice to his present employer and wants to give two weeks' notice. There is no start date but will probably be the middle of June.

The chipper went down on Friday. The safety mechanism keeps shutting down. We are in the process of getting it repaired.

INSPECTORS' REPORTS

BOARD OF HEALTH – MR. BOB GRANT

There was no report.

FIRE MARSHAL – MR. LESLIE

Mr. Leslie said he agreed that West Brookhaven Road is atrocious. He drove a fire truck on it last Saturday and it was very bad. Mr. Leslie also agreed with the Engineer that these sink holes need to get fixed right away. A car could be swallowed up with these sink holes happening. Mr. Donaway said that Southeast is not taking any responsibility. Mr. Leslie said that if something happens, Brookhaven will be liable. Mr. Leslie also wanted to report that the sign on Edgmont Avenue coming into Brookhaven from Middletown Township is covered by a tree and cannot be seen. It is the sign that states “Welcome to Brookhaven”.

Mr. Donaway said that he wanted to get back on the liability issue about these sinkholes. Southeast states that these are not their responsibilities. Mrs. Mulvena asked Mrs. Fooks about her sink hole. Mrs. Fooks said that she was told it was not the problem with the sewer. Mrs. Mulvena said that when sewers go bad, the soil underneath becomes loose. Mrs. Mulvena said that we are not permitted to go into their sewers; we do not own them. Mrs. Mulvena told Mrs. Fooks that the sewer has to be bad for the water to get in. There was much further discussion about this between Mrs. Mulvena and Mrs. Fooks.

Ms. Sawicki suggested that Mr. Stone write a letter to Southwest to have them come out and do something about these problems. She said the problem is going to get worse. Mr. Stone said there was a problem in this development last summer. Mr. Stone said that if something happens, the Borough will get sued. Ms. Sawicki said that we have to take a strong approach and write a very strong letter.

ZONING OFFICER – MR. HAMPTON. There was no report.

FIRE CHIEF – CHIEF MONTELLA. There was no report.

PUBLIC DISCUSSION. There was no further public discussion.

ADJOURMENT

There was no other business to come before Council. Mrs. Fooks made the motion and Mr. LaPera made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 8:15 PM.

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary

