

MINUTES  
MAY 22, 2017  
BROOKHAVEN BOROUGH COUNCIL WORKSHOP

Council President, John J. Wilwert, Jr., called the regularly scheduled Workshop Session of Council to order at 7:00 PM. He welcomed all present and led in the Pledge of Allegiance to the American Flag.

The record shows all members of Council, Mayor Hess, Mike Maddren, Esq., Charles Catania, Jr., P.E. and Borough Secretary McKinley seated at the Council Table.

He introduced Jeff Shields from Sunoco. Mr. Shields thanked Council for having him here and gave a breakdown on what is happening with the Sunoco project. He introduced others who were here—Chris Embry, Matt Gordon and Ivana Wolfe also from Energy Transfer, Dwayne Osadchuk from O2 Directional, Pat Patterson and Domenic Rocco from DEP. This project is part of the Mariner East 2 Pipeline. Among other things, he said that there are two ways to do this—open trench and drilling. The project started on Judy Way in Aston. The pipeline does not actually pass through Brookhaven. He explained horizontal directional drilling. The non-toxic mud from this drilling is recycled. They are working with the Department of Environmental Protection (DEP). The work is being monitored. 5003 Chester Creek Road had an eruption. Some got into the creek. There have been several other inadvertent eruptions and they were contained via sand bags and other means. DEP is to determine the best way to go forward. Mr. Shields apologized for not notifying the Borough when this all began on May 3.

Mr. Wilwert opened the meeting to questions or comments related to the above from the audience. He set some ground rules—Must be a Brookhaven Borough Resident to speak; if you intended to ask a question that someone else already asked and got an answer, that question cannot be asked again; if things “get out of hand”, there will be a 3 minute limit per resident. Question/Comment/Information session will last 1 hour, if necessary. The following Borough residents spoke:

Chelsea Barrish, 3421 Nathan Avenue asked what type of fines or citations were made. Mr. Shields said DEP would do that. She also asked about the “material” coming out of the ground.

Don whose last name and address was unclear because of microphone failure asked what kind of citation is currently being issued. Mr. Shields said the Department of Environmental Protection (DEP) Notice of Violation has been issued. They are not looking into fines right now. Mr. Wilwert said that if it does require a fine the DEP, along with Conservation District, Pennsylvania Fish Commission and Pennsylvania Game Commission may be involved. Mayor Hess said that the substance leaking is non-toxic. Mr. Shields confirmed that statement by the Mayor and said there has been no fish killed. The substance is a combination of mud, clay and water. Mr. Wilwert said there are no contaminants.

Sister Nora Nash from Meadowbrook Lane wanted to make sure that the “material coming out of the ground is only mud”. Mr. Wilwert said there are no contaminants. It is coming from the rocks which are 50’ under the Chester Creek bed. Mr. Gordon said that as they are drilling, they are capturing the material and they are taking it to a “special facility” to make sure there is no contamination.

Brian Barrish from 3421 Nathan Avenue asked how often does Sunoco notify the municipalities affected. Mr. Gordon said it is a priority that the DEP, Conservation District, Boat Commission and Fish Commission keep an open line of communication with municipalities. As to how often, they did not have an exact number.

Mr. Wilwert said this is a Workshop Session of Borough Council rather than having a special meeting. Mr. Donaway has been living down there and posting information. The ball is in Sunoco’s court. Mayor Hess said we had no knowledge of this project. Mr. Wilwert asked Mr. Catania when was the Borough notified.

Mr. Catania said Gary Thompson discovered it.

Christine Johnson, 815 Adams Drive questioned the quantity of the material that went into the Chester Creek. 500 gallons. She asked where did the 20,000 gallons go that DEP said was released. Are there any health hazards?

Beth King, 807 Adams Drive said it appears that this is going to be a long process. She spoke about slurry in the creek. What is the hazard to wildlife and fish? DEP makes sure there is no hazard to wildlife and fish. There is a response team that strictly monitors the activity. Testing is also done further down the creek to make sure. Ms. King continued saying residents are experiencing dust on their sidewalk. Should the residents be notified not to dry sweep their property. They should wet sweep it. 5003 Chester Creek Road is unoccupied. Mr. Maddren said Sunoco gave handouts with the hot line number on it. Call that number with questions and concerns.

Steve Carr, 839 Lincoln Drive said he did not experience any dust problems. He asked what is happening under the houses on Chester Creek Road because of the "mushy ground". Sunoco representative said no material is being removed from under any homes. It's not a structural issue. Mr. Carr said it seems to be following the storm drain line. Mr. Donaway said the sanitary sewer line is not affected. Mr. Carr said that the Borough truck is driven by several times a day. Mr. Donaway said we saw all of the people down there and determined with was going on. The comment on Face Book was wrong. Mr. Wilwert said that 90% of Face Book was wrong and Mr. Donaway was trying to get the most accurate information out. Mr. Wilwert also said there were no sandbags in the creek the first week but there some the second week. There is just so much "crap and false information" on Face Book. He said he knows Mr. Donaway's integrity and it is good. What Mr. Donaway gave you was what he had at the time.

A diesel fuel spill at Lincoln at Chester Creek Road was brought up by an unidentified member of the audience. Sunoco representative said he was not aware of that. They do have a pollution control plan. Their engineer will be doing a full inspection as the project progresses. No one is wearing masks and they are cleaning the street.

Nancy Schmidt, 826 Lincoln Drive said her husband has a picture of the oil spill on his phone. When they were working on the fuel spill, they were taking contaminated soil away. She would like the bank restored where they took the dirt out.

The Sunoco representative said nature made a crack in the rock. The job is shut down right now. They may have to use less pressure. In the event there is a problem how will the residents be notified. He said the "biggest thing is prevention". Safety precautions must be used. There is a weekly aerial patrol too. The pipeline is marked well. Specialty tools are sent through the pipes too to make sure everything is fine. They do outreach training to emergency responders and others too.

Karen Dauber, 535 Dutton Mill Road when incidents like this happen, where does the crew come from Texas? The Sunoco representative said New York, Ohio, Pennsylvania and Texas. Specialty contractors come from 350 miles away. Sunoco tries to get local contractors to help with the project.

Ron Pesotski, 200 Patton Avenue thanked council for "having this event" to answer questions. He thanked Mr. Donaway for all the time he is putting in.

Heather McLahlan, 703 Adams Drive asked if there will be another meeting set up. Mr. Wilwert said this is not a Brookhaven problem. Their problem came into Brookhaven. Mr. Maddren said we don't want to access the merits of the pipeline. They are not trying to avoid us. The Delaware County 9.1.1. Center has been having

meetings with emergency responders to try to put in a plan.

The question was the water independently tested was asked. DEP representative said no.

Christine Johnson from 815 Adams Drive asked what the emergency impact is. The representative from Sunoco said they may have to evacuate up to ½ mile in the worse case. She asked if the Borough has received the emergency plans from Sunoco. Sunoco said no. Mr. Maddren said the understanding is they began and they are working with the 9.1.1. Center to develop a plan for Delaware County. It is definitely coming. She asked if 9.1.1. Center meetings are open to the public. Mr. Maddren said he did not know.

Mr. Maddren said that Sunoco has an emerging plan. It is internal. They are working with the County to develop and plan. That is going on right now.

Mr. Wilwert thanked DEP, Sunoco and other officials here. He said the public's safety is #1 whether you believe it or not.

PUBLIC DISCUSSION – None

SOLICITOR'S REPORT – Mr. Maddren had no report.

MAYOR'S REPORT – Mayor Hess said he performed a wedding last Saturday and the couple gave him a check for \$200 made payable to the Butterfly Garden.

#### COUNCIL REPORTS

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

Among other things, Mr. Donaway said the Eaton Park project is moving along, the World War I Memorial is ready to go; the Public Works Employees are cleaning up the Memorial Island; the fire at the Municipal Center compromised the HVAC System and Mr. Catania is looking into that; because Harry Swayngim is working Sundays again, at the Council Meeting on June 5, Mr. Donaway would like to make a motion to hire a temporary employee at \$10/per hour; the Trimble Boulevard/Victor Avenue job is pretty much finished Phase II may be in the Fall. Mr. Donaway thanked Mr. Catania and State Representative Leeanne Krueger-Braneky for helping us get to the bottom of the Sunoco issue.

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

Mr. LaPera said the Recreation Committee will meet this Thursday, May 25 at 7:00 PM.

There were 25 vendors at the Recreation Committee's first Flea Market this past Saturday—May 27. The Flea Market was in Coebourn Elementary School's Parking Lot. The Recreation Committee is considering the possibility of having a Murder Mystery Event in July.

The Zoning Hearing Board will be hearing two cases on June 13—one for a Beer Distributor at 4101 Edgmont Avenue and the other a Dunkin Donuts and Sushi Restaurant at 4580 Edgmont Avenue.

Minutes May 22, 2017 Brookhaven Borough Council Workshop

Mr. LaPera asked Mr. Catania for an update on Eaton Park. Mr. Catania said that most of the path is done. The contractor will haul dirt in next week. Some grading will be done too.

The Teener Field looks better than it did before. Mr. Catania spoke with the contractor today. Mr. LaPera asked who turns the sprinklers on. Mr. Catania said the developer is responsible. Both the infield and outfield look better.

Mr. LaPera asked whether or not the Borough wanted to purchase the property at 315 West Brookhaven Road that Mr. Dykes brought up at a previous meeting. Mr. Donaway said he and other Council members are looking into it.

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 did not meet on May 18 because there was nothing on their agenda. If anyone has anything for which an ordinance needs to be amended or a new one created, please let her know.

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

Ms. Sawicki talked about the new double-sided banners that will be placed on poles along Edgmont Avenue. The banners show a tree as it goes through all through the four seasons of the year—spring all green, summer green with flowers, fall leaves turning oranges, brown, yellow and winter bare. All of this is on a light sky blue background.

Ms. Sawicki said the Edgmont Avenue Committee continues to meet and Mr. Donaway asked her if she had heard back from the Brookhaven Shopping Center owners yet. Ms. Sawicki said the owner is talking to his vendors and she said she would like to give him more time to do that.

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

Because Mr. Linowski had to leave for another meeting at 8:00, Mr. Wilwert asked him to give his report. Mr. Linowski said that the bill list presented tonight will be updated for the June 5 Meeting. He will ask for a motion to approve the updated bill list then.

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

On Saturday, May 27 Albert Merlino Memorial American Legion Post #94 will hold their Memorial Day Service. It will begin at 10:00 AM on the Memorials Island. The service will honor World War I veterans.

On Saturday, June 10 there will be a Recycling Event for Electronics only. It will be from 9:00 AM until Noon and will be at the Municipal Center Parking Lot on the woods side. This is a rain or shine event.

ENGINEER'S REPORT – Mr. Catania

Mr. Catania opened the Bids for Contract A – Window Renovations. There was only 1 bid received and it was from L. J. Paoella Construction, Brookhaven, PA. Their bid was \$67,971.

Mr. Catania opened the Bids for Contract B – Gym Renovations. There was only 1 bid and it was from L. J. Paoella Construction, Brookhaven, PA. Their bid was \$45,850.

Mr. Catania took the bids back to Catania Engineering's Office to be reviewed and tabulated. He will make a recommendation to Council at their June 5 meeting.

The record shows the Notice to Bidders was properly advertised in the Delaware County Daily Times. Proof of Publication was received.

Mr. Catania said that he would like to recommend that Council rescind the award for exterior lighting and get authorization to re-advertise for bids. He will do this at the June 5 meeting.

A price for installation for the gym ceiling was received. Mr. Catania would like permission at the June 5 meeting to bid that project.

To replace some of the lighting in the gym, it will cost \$4,137.70. Mr. Catania would like to recommend this be done by Miller Lighting. The lights will be LEDs.

Mr. Catania will be asking permission to make street repairs at 3432 Commerce Avenue and also at the intersection of Chandler Drive at Lister Street.

INSPECTORS REPORTS

BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield said there are many yards with high grass—at least 10-15 a week.

She said she, Mrs. Elmer and attorney Halligan have a court date tomorrow morning.

FIRE MARSHAL – Mr. Leslie

Mr. Leslie said that Chester Water Authority is testing the fire hydrants at the Shoppes at Brookhaven. There was one broken hydrant and the valves must be kept open on the others. Chester Water Authority will handle that.

Mr. Leslie has been talking with Pet Smart about sprinklers.

Lowes has a problem with their alarm system. Something keeps setting off their alarm.

Inspections were done at Tom Jones, Burger King and the Shell Gas Station.

ZONING – Mr. Hampton

Mr. Hampton said he had a phone call from a contractor regarding the Hamilton property that is for sale.

He told the contractor what they could do. It may have already been sold though.

Mr. Hampton said he will be at the hearing Mrs. Warfield, Mrs. Elmer and attorney Halligan will be attending. It's about the property on East Brookhaven Road.

#### PUBLIC DISCUSSION

Tom Dykes from 305 West Brookhaven Road thanked Council for looking into the option of buying the Hamilton property.

He also spoke about Walgreens and the weeds, dead bushes and grass where it is in the gardens. It's very unsightly. He said he called them about it. Mrs. Warfield said we have nothing code-wise that says that they have to remove the overgrown and dead bushes and weed their garden. Mr. Maddren said this would be something the Ordinance Committee might want to look into but "do not be over-zealous". Mr. Wilwert suggested writing a friendly letter to Walgreens.

Mrs. Warfield said she called the phone number of the old MAB Paint Store to tell them to cut their grass. They did it but only did one small strip—didn't touch the part at the back of the store and parking lot.

Ron Pesotski, 200 Patton Avenue said the traffic buildup at the East/West Brookhaven Road-Edgmont Avenue is horrible. What is being done about it? Sometimes he has had to sit there for 5 minutes. People are cutting through Walgreens and McDonalds to avoid the light. Catania said he will have the timing checked.

Joe Kurman from Mount Vernon Avenue said he saw a motorist going on the wrong side of the road to make a turn. They are also driving up the shoulder of the road.

There was no more business to come before Council and Mr. Donaway made the motion to adjourn. Mr. LaPera made the second. Motion carried unanimously.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary