

MINUTES
BROOKHAVEN BOROUGH
COUNCIL MEETING
MAY 2, 2016

At 7:03 PM, Council President Wilwert called the regularly scheduled meeting of Brookhaven Borough Council to order. The meeting was held in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Brookhaven, PA 19015. He welcomed all present and led in the Pledge of Allegiance to the American Flag. Mayor Hess read the names of the Borough residents who passed away during the month of April—Albert “Bud” W. Bergeman, Cornelius L. “Corney” Dacey, Pamela Yorden Bonkowski, Robert F. Cunnion, Ciro “Jerry” Iannucci and Thomas M. McCracken, Jr.. A moment of silence was held in their memory.

The record shows the following people seated at the Council Table (from my right to left): Ms. Sawicki, Mr. LaPera, Mrs. Fooks, Mr. Wilwert, Mr. Donaway, Solicitor Maddren, Engineer Catania and Secretary McKinley. Mr. Linowski and Ms. Leslie were absent for medical reasons.

PRESENTATIONS FROM COUNCIL – Mayor Hess, Mr. Wilwert and Mr. Kuminka

Million Word Reader Certificates were presented to Nathan DiProjetto, Nick Merante, Drake Graham, Derrick Foster and Aidan Davis. Aidan Carroll was not present to accept his certificate. Mr. Kuminka briefly explained the program for those who haven’t been present at other meetings. Mr. Wilwert said it is Council’s pleasure to award these certificates. He’s not a reader and probably hasn’t hit 1,000,000 book words yet.

SCHOOL BOARD REPORT – Mr. Kuminka

Mr. Kuminka gave a short report saying State Testing is over at Coebourn Elementary School.

PUBLIC DISCUSSION – None

FIRE CHIEF’S REPORT – Chief Montella

For the month of April there were 3 fire incidents, 19 non-fire incidents, 25 mutual aids and 5 drills. There were no losses to structures, contents, vehicles nor was there any property endangered. No firefighter or civilian injuries or deaths either. The Manpower Report shows 52 fire calls with an average of 18 people participating for a total of 641 hours. There were 5 training sessions with an average of 29 people participating for a total of 300 hours.

Brookhaven Volunteer Fire Company responded to the following incidents in Brookhaven: A motor vehicle accident with entrapment at the intersection of Edgmont Avenue and Upland Road. 7 other motor vehicle accidents, a pedestrian struck on Creek Road, a building fire at Stonehill Apartments. They assisted Aston Township on building fires at Neeld Lane and 5th Avenue; Assisted Nether Providence Township on a motor vehicle accident with entrapment on Providence Road. Also assisted with a building fire at 7 Chester Road and a building fire at 704 Hartford Court; assisted Upland Fire Company on a building fire on 9th Street; Assisted Chester Township Fire Company on a building fire at the 711 Store on Powell Road and assisted Chester City Fire Company on a second alarm at 2nd and Rose Streets.

The Chris Kangas Memorial Service will be held at the Firehouse on Thursday, May 5 at 7:00 PM.

The EMS statistics for April show 77 transports, 12 refusals, 10 Fire/Standbys for a total of 101 calls.

Call Totals for the Boroughs for April shows Brookhaven 52 – 77; Media 23 – 9; Rocky Run 46 – 0; Parkside

Minutes May 2, 2016 Brookhaven Borough Council Meeting

45 – 2; Middletown 50 – 1; Chester Township 47 – 2; Nether Providence 65/51 – 3; Aston 17 – 0; Upland 57 – 2; Rose Tree 73 – 0; Lower Chichester 39/40 – 0; Chester City 100/82/83/81 – 5; Swarthmore 14 – 0; Darby – 0 and Concordville – 0; There were 7 second emergencies.

POLICE CHIEF'S REPORT – Chief McGoldrick

Chief McGoldrick spoke about scams. He said the IRS Scam is still going on. He congratulated the Borough residents because there has been “zero loss” to Brookhaven residents. They realized it was a scam call.

Another scam out there right now is the scammers have your name and credit card number. They will call and ask for the 3 numbers on the back of the card. Do not release that or any other information. If you do the scammers will run up purchases and other things on your card.

Then there's the E-Ticket Scam where the scammer wants you to purchase a pre-paid card to pay for a ticket they say you received. There was no ticket so don't purchase the pre-paid card. The money from it goes right in the scammer's pocket.

Chief McGoldrick thanked Officers Subers, Clymer and Jenkins for their assistance with the Baseball/Softball Opening Day Parade on April 16. He also thanked Fire Police Captain Dave Schlott and Fire Police Officer Bob Oswiany for their assistance with the parade which went from Faith Community Church up Edgmont Avenue splitting off for Sampson Park for softball and baseball continuing on Edgmont Avenue to Cambridge Road and then into Memorial Park. Participating in the parade were the coaches and players. The players ranged in age from 5 to 8 years old.

Very soon grant money will be available to conduct an Aggressive Driving Campaign. Chief McGoldrick said the Police Officers “will hit the hot spots”.

SOLICITOR'S REPORT – Mr. Maddren

Mr. Maddren explained the proposed Brandywine Valley SPCA agreement. He said he got an extension until tonight. The Department of Agriculture regulates dog control and the Borough must have a plan in place. The Animal Protective Services Annual Fee has been reduced to \$1,000 from \$2,000. He explained the other financial information-the monthly fee is down from \$500 to \$250, the per animal fee remains at \$250 per dog and \$150 per cat. Feral cats are to be neutered, vaccinated, ear tipped and then released to the area from which they were caught. Residents are to be instructed to contact the Brandywine Valley SPCA directly, and information in that regard is required to be placed on the Borough's website. Mr. Donaway asked if we could renew on a yearly basis. Mr. Maddren recommended a motion to approve the three year agreement subject to his approval. Mrs. Fooks so moved and Mr. LaPera made the second. Motion approved by unanimous vote.

Commerce Energy was at the April 25 Workshop. They requested a meeting with a representative of Council to get their permit reinstated. Mr. Wilwert will be the liaison for this.

All but one of the homes/apartments on Meadowbrook Lane that have been discussed at previous meetings has been inspected. Mr. Maddren said he e-mailed “Sue on Meadowbrook Lane” to give her the update.

Messrs. Maddren and Catania have been talking to the new owners of Grady Collier Lane. They will try to go before our Planning Commission this month.

Minutes May 2, 2016 Brookhaven Borough Council Meeting

MAYOR'S REPORT – Mayor Hess had no report.

MINUTES APPROVAL

Mr. Donaway made the motion and Mrs. Fooks the second to approve the Minutes from the March 28, 2016 Council Workshop. Motion carried unanimously.

Mr. Donaway made the motion and Mrs. Fooks the second to approve the Minutes from the April 4, 2016 Council Meeting. Motion carried unanimously.

COUNCIL REPORTS

Chair Arbor/Shade Tree Committee, Liaison to Health Inspectors and Health Officer, Member of Grant Committee, Member Liaison to Planning Commission, Member Long Range Development Committee and Member Fire Committee – Ms. Sawicki

Ms. Sawicki said the Planning Commission did not meet in April but she expects them to meet this month to review the Grady Collier Lane matter. That will be on May 17 at 7:30 PM.

On May 15 she and others will be working with County Community Service Workers to weed, remove dead and/or unwanted plants and plant new plants and bushes.

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 was absent for medical reasons. Mr. Wilwert asked for a motion to approve the bills for payment. Mrs. Fooks made the motion and Mr. Donaway the second. Motion approved by unanimous vote. The record shows the bill list was dated 04/29/16 and showed a General Fund Total of \$43,051.26; Sewer Fund \$3,004.64; Road Fund \$26.38 and Trash Fund \$750.00 for a grand total of \$46,832.28.

Chair Emergency Management Administration, Chair Recycling/Trash Committee, Chair Fire Committee and Chair Police Committee – Ms. Leslie was absent for medical reasons.

Chair Public Works and Buildings, Liaison to Holiday Parade Committee, Chair Comprehensive Plans, Member Traffic Calming Committee and Member Police Committee – Mr. Donaway

The Public Works Department replaced two faded stop signs, replaced the toilet tank and two emergency lights in the Memorial Park building, dye tested two sinkholes—one on Commerce Avenue which was a broken lateral in the street. This was repaired by Ridley Construction. The other was on Schoolhouse Lane and that appears to be the homeowner's problem. The lateral is broken under the sidewalk and by the curb. Continuing the April Public Works Report, Mr. Donaway said they removed two trees—one on Wellington Avenue that was leaning over a resident's property and one in Sommerville Park based on the recommendation of our insurance company; had three sewer calls none of which were the Borough's problem; filled potholes; started the sewer mains cleaning program; weather permitting are cutting grass three days a week and left a note at 718 Trimble Boulevard because on April 27 they were blowing large amounts of grass clippings into the street and not cleaning it up under Ordinance 680.07. The grass clippings are still in the street. The Code Enforcement Officer and/or Police Department will issue a citation. The 2016 Ford F350 has arrived. The 1995 Ford still has to be replaced and they are working with Mr. Linowski on the financial end of that replacement. Mr. Thompson would like to change the lights at the Borough Garage facilities to LED's. This will cost \$4,690. Mr. Donaway

Minutes May 2, 2016 Brookhaven Borough Council Meeting

made the motion and Mr. LaPera the second to authorize this. Motion carried unanimously.

There will be a Holiday Parade Committee Meeting on May 11 at 7:30 PM. The Holiday Parade Committee is sponsoring another Youth Dance on Friday, April 13.

Liaison to Zoning Hearing Board, Liaison to Recreation Committee, Member Grant Committee, Member Long Range Development, Member Condo Association – Mr. LaPera

The Zoning Hearing Board did meet on April 12. They reviewed the Revised Zoning Code from the Delaware County Planning Department Committee which consisted of Mr. Linowski, several Borough residents and members of the Delaware County Planning Department Staff. They also granted a variance at 4920 Greenwood Street. It is uncertain whether there will be a Zoning Hearing Board Meeting in May.

Mr. LaPera said there have been discussions with the State for grant money for Eaton Park. We cannot use the appraisal for Eaton Park. The possible grant has a 15% match from the Borough for the total cost of the work to be done. That 15% works out to be \$30,000. Mr. Maddren said we should ask the County for Marcellus Shale money—ask for the whole \$30,000. Mr. LaPera said we are high on the list to get this State grant. He reviewed the plans for the park which has been recorded in the Minutes from the March 28 Workshop. The matching money will have to be paid in 2017. He said the Recreation Committee raises money on Family Day, the Golf Outing, Designer Bag Bingo, the Psychic Fairs and Camp Haven. There is probably at least \$12,000 that could come from those fund raisers toward the match. Mayor Hess said that Eaton Park has been let go for years. It's time to do something about that. When is the application for the grant due? It must be in by June 30.

Mr. Maddren spoke about his concern that the government is restructuring the way Marcellus Shale money is given out. Mr. Wilwert said we will have to run the \$30,000 by Mr. Linowski for the 2016 budget. Action must be taken at the next Workshop.

Regarding the piece of land on the Water Company Property that adjoins the ballfield that is being built for us by Retail Sites, Mr. Maddren said the Chester Water Company is committed to work with the Borough and we need to get back to them.

The retaining wall in Memorial Park turned out very nice.

Recreation Committee events on the horizon—Theatre in the Park on July 14, Family Day on September 24 and Golf Outing on October 2.

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

The Ordinance Committee met on April 21. Mrs. Fooks said that earlier today she shared with Chief Montella a few versions of the solar panel ordinance in order to get his feedback. The Ordinance Committee also discussed the possibility of changing the size of business's address numbers and the Committee decided not to make the change because people usually look for the store name signage rather than street addresses. They didn't want to put an additional burden on the businesses. The Committee was also going to look at the possibility of eliminating soliciting from the Borough but that is illegal.

Under Business Revitalization Mrs. Fooks reported that at the last Council Workshop representatives from Shop-Rite made a presentation. Permits have been issued. Shop-Rite officials said they will be "skimming the whole front of the store" and they will have new sidewalks. The existing door will be for the Food Court. All of

Minutes May 2, 2016 Brookhaven Borough Council Meeting

the kitchens are open so one can see what's going on. As you enter the store you will be in the Produce Department. There will also be a pub/take out beer. The hours of operation for that will probably be Monday through Saturday from 11:00 AM until 11:00 PM and Sunday from Noon until 11:00 PM. Store hours are still undecided—either 6:00 AM until Midnight or maybe 24 hours. The final product will look similar to what Lowe's is doing. They estimate they'll be open in mid-August.

Lowe's is hoping to open in early mid-summer and the estimated date for Lowe's to begin hiring is May 7 in what was the Mande's Store in Plaza 352. They will be interviewing on the spot. Department Managers will be there as well.

LA Fitness has submitted plans for their business in the Shoppes at Brookhaven.

Our Wawa store is closed with the exception of selling gas, gum and cigarettes. May 20th is the planned Grand Opening.

LaLa Box is a new store that has just opened in the stores at 4100 Edgmont Avenue. They sell movie streamline boxes. A new Vape Shop has applied for Zoning clearance to occupy a vacant store in the Maple Plaza Shopping Center. They will be in the vacant store next to the 352 Diner.

There will be a Website Meeting with Mr. Cadden this month to implement some of the programming changes that are being made to the website. One of the additions is a New Resident Section which will include general information about trash/recycling, activities for families and senior citizens, local sports teams links, Penn Delco School District information along with other helpful information as it becomes available.

A reminder that the SPCA will hold their vaccination/chip clinic here in our gym on Tuesday, August 23 from 4:00-6:00 PM. Be advised that dog licenses can be purchased at the Borough Office during normal business hours.

Chair Inspectors and Fire Marshal, Deputy Emergency Management Coordinator, Chair Traffic Calming, Member Technology Committee and Member Historical Society Committee – Mr. Wilwert

Mr. Wilwert asked for a motion to waive all permit fees related to the ballfield Parcel at the Shoppes at Brookhaven. Mr. LaPera so moved and Mrs. Fooks made the second. Motion carried by unanimous vote.

Town Watch had a Spaghetti Dinner on April 23. It did not "take off as they wanted it to". Town Watch is going to re-evaluate the plan.

ENGINEER'S REPORT – Mr. Catania

The 2016 Street Resurfacing Program being done by Innovative Construction should be finished this week as long as the weather cooperates.

Catania Engineering is doing periodic site inspections at the Shoppes at Brookhaven. The Progress Report shows that sanitary and storm sewer work is about 90% complete, underground electric is underway, grading is nearly complete and the retaining walls work has begun. Foundations are in for Giant and retail sites A, B, and C. Grading on the Ballfield is to start in mid-May with completion by late summer. The ballfield will be ready for use in late spring 2017.

There are 5 matters for which Mr. Catania would like authorization to prepare bid specifications and advertise

Minutes May 2, 2016 Brookhaven Borough Council Meeting

for bids.

Ms. Sawicki made the motion and Mr. Donaway the second to authorize Catania Engineering to prepare the bid specifications and advertise for bids on the resurfacing of the Municipal Complex Parking Lot. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Mr. Donaway second to authorize Catania Engineering to prepare the bid specifications and advertise for bids on the resurfacing of the Public Works Garage Parking Lot. Motion carried by unanimous vote.

Mr. Donaway made the motion and Ms. Sawicki the second to authorize Catania Engineering to prepare the bid specifications and advertise for bids on the Shepherd Street Drainage Improvements. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Mrs. Fooks the second to authorize Catania Engineering to prepare the bid specifications and advertise for bids on the 340 Trimble Boulevard Drainage Improvements. Motion carried by unanimous vote.

Mr. Donaway made the motion and Ms. Sawicki the second to authorize Catania Engineering to prepare the bid specifications and advertise for bids on the Police Station Flooring. Motion carried by unanimous vote.

Mr. Catania reported that work is substantially complete but restoration incomplete at the North Gray and Melvin Drive Drainage Improvements Project.

The seating in Memorial Park is substantially complete.

Ohev Shalom has been contacted about addressing the stream bank erosion issue the residents at 316 East Brookhaven Road contacted the Borough about.

INSPECTORS' REPORTS

BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield said grass is growing everywhere.

There is one property that needs to be addressed but the owners are deceased. She does not know how to get in touch with anyone that might be responsible. Mr. Maddren said to e-mail him the address and he will try to get the name and address she needs.

There was a Safe Serve Class held at the Municipal Center on April 27. Attendees included representatives from the various sports groups, Camp Haven, Town Watch and Mr. Swayngim.

Bargain Rental has “pushed into our property”. This involves Eaton Park. Mr. LaPera will look at the area in the morning.

FIRE MARSHAL – Mr. Leslie

Mr. Leslie reported that there were parking issues at Stonehill Apartments. People were parking in front of fire hydrants.

Minutes May 2, 2016 Brookhaven Borough Council Meeting

PENCO Management is trying to fix the problem in the utility closets at Traditions at Ridley Creek.

Instead of calling 9.1.1. a resident had a fire burning in her kitchen and called the Borough Office to report it asking that only one fire engine quietly come to put out the fire. As always, Mr. Leslie's advice was get outside immediately and call 9.1.1. from there.

No other inspectors had reports to give.

PUBLIC DISCUSSION

Mike Ruggieri from 112 East Garrison Road asked what the proper procedure is to report a vehicle leaking oil on to the street. Mr. Maddren said there is something in the International Property Maintenance Code to address this. Mr. Leslie said call 9.1.1. and the fire company will have the leaking vehicle towed.

Mrs. Fooks asked Mr. Maddren to explain how Liquor Licenses work. Mr. Maddren said a municipality can have 1 per 3,000 people. That allows Brookhaven 2. There is a procedure for transferring licenses. Sometimes it was necessary to have a hearing for a transfer but now the amended law allows the municipality to just say no. Mr. Maddren said initially Shop-Rite was going to transfer a liquor license but changed their mind. Someone in the audience asked if the new Giant was going to have one. Mr. Maddren said he doesn't know. Only certain areas are zoned for liquor too. A person in the audience asked if they wanted to open a bar and Council says no what happens. Mr. Maddren said there is no appeals process. Another member of the audience asked if the State has a requirement about how far from a school or church liquor can be served or purchased? Mr. Maddren said that is covered by zoning. Mr. LaPera asked what would happen if our residency goes over 9,000. Can we have another? Mr. Maddren said yes. Mr. Wilwert said he is happy that Council will be able to regulate where liquor can be. A person in the audience said Brookhaven should have been left a dry town. The referendum did us no good. The person was also concerned that we are not getting a family style restaurant. Someone else in the audience said we should lobby for a Maggiano's Restaurant.

Mr. Donaway announced that the 2016 Holiday Parade will be dedicated to firefighters and EMT's.

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

Respectfully Submitted,

Mary Ellen McKinley
Borough Secretary