

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

Council President, Dan McCray, called the meeting to order at 7:00 PM. He led in the Pledge of Allegiance to the American Flag. Mrs. Fooks read the names of the residents who passed away during the month of April. A moment of silence was held in their memory.

The record shows the meeting was held in Council Chambers at the Brookhaven Municipal Center. The following people were seated at the Council Table: Mrs. Fooks, Mr. Linowski, Mrs. McKinley, Mr. McCray, Solicitor Maddren, Ms. Truesdale, Mrs. Erickson and Engineer, Charles Catania, Jr. Mayor Hess was absent because of his employment. Ms. Leslie and Mr. Wilwert were absent because of illness.

SCHOOL BOARD REPORT – Dr. Acosta

Dr. Acosta said that the month of April was a very busy one for Coebourn. May is also a busy month. The 2<sup>nd</sup> Grade has a Chick Hatching Project going on. It's a "hands on Science Lesson". The 4<sup>th</sup> Grade celebrated Coebourn International Day. She explained that this is a learning project that lasts all year and it takes the students around the world. On May 10 the Spring Concert and Art Show will be held in Coebourn's Gymnasium. It will start at 7:00 PM. May 17 is Field Day; May 30<sup>th</sup> the 5<sup>th</sup> Grade will take their Class Trip to Philadelphia and on May 31<sup>st</sup> the 3<sup>rd</sup> Grade will have an assembly in the gymnasium presented by the Living History Museum.

FIRE CHIEF'S REPORT – Chief Montella

For the month of April, the following statistics were reported: 8 fire incidents, 11 non-fire incidents, 32 mutual aids and 3 drills for a total of 54. Broken down, these 54 work out to 18 structures, 6 rescues, 1 MVA, 3 drills/training, 4 brush fires, 9 coverups, 1 vehicle, 3 fuel spills, 3 CO detectors, 2 assists to the ambulance and 2 airbanks. No losses to structures, contents, vehicles nor was there any property endangered. No firefighter or civilian injuries or deaths either. On fire calls there were 54 calls with an average of 18 people responding for 648 hours. There were 3 training sessions with an average of 30 people participating for a total of 120 hours. The Ambulance Membership/Fund Drive letters have been mailed. Please support the Ambulance Membership/Fund Drive.

PUBLIC DISCUSSION

Lynn McMonagle from 722 Cambridge Drive spoke on behalf of the Cambridge Estates Civic Association. She presented a letter of thanks to the Borough Maintenance Staff for the beautiful job they did painting the Cambridge Estates Sign at the entrance to the development. To express their gratitude, in Gary Thompson's name, a \$50 donation to the Butterfly Garden from the Civic Association was presented.

PUBLIC DISCUSSION

George Scarino from 4112 North Gray Street asked for a progress report solving the water problem near and at his home that has been discussed at previous meetings. Mr. Catania said the report has been completed and was given to Council for their review. Council has not discussed it yet. Mr. Scarino asked if he could have a copy of the report. Mrs. McKinley will provide him with a copy after the meeting tonight.

Paul Marra, 434 Creekside Drive, President of the Traditions at Ridley Creek (TRC) Homeowners'

## Minutes May 7, 2012 Brookhaven Borough Council Meeting

Association said that earlier today he had e-mailed a request for updated information to Mr. Catania. He said the reason he was here tonight was because he felt Pulte might be notifying the Borough they want a reduction in the bond money. Pulte is not working with them—not one thing has been corrected. The main issue is that they do not have the gate installed yet. Is there any pressure the Borough can put on Pulte? Mr. Maddren said that before the Borough releases any funds, Mr. Catania will have to check everything out. A reduction request has not been received by the Borough. If and when we do, Mr. Catania will review the situation and make a decision. He said Mr. Marra's point is well taken. Mr. Maddren will call Ms. Carr. Mr. McCray said Council wants to "move this along as soon as possible".

### SOLICITOR'S REPORT – Mr. Maddren

Mr. Maddren said that the proposed 2011 Codification Ordinance had been properly advertised, is ready for public and or Council comment. It has been properly advertised and Proof of Publication was provided. No one had any questions or comments. Mr. Linowski made the motion and Ms. Truesdale the second to adopt the Ordinance. Motion carried by unanimous vote. This is Ordinance 759.

Regarding the Tax Appeal for Tuscarora Lapidary Society, 24 Upland Road, Mr. Maddren asked that Council have an Executive Session immediately following this meeting to discuss this matter. There is the possibility of litigation on this matter.

Mr. Maddren spoke about the proposed ordinance—An Ordinance of Brookhaven Borough Council, Delaware County, Pennsylvania, authorizing the Borough to enter into an inter-municipal agreement whereby the Delaware County Uniform Construction Code Appeals Board would serve as the Borough's Board of Appeals pursuant to 35 P.S. Subsection 7210.50 (c) (1) and repealing all ordinances, resolutions and parts thereof inconsistent with the ordinance under consideration to the extent of such inconsistency. This has been properly advertised and is ready for public and/or Council comment. Mike Ruggieri from East Garrison Road asked when Council gave Mr. Maddren permission to advertise this proposed Ordinance. Mr. Maddren said that because of possible litigation, the matter was discussed in an Executive Session of Council and permission was given at that time. There were no other comments or questions. Mr. Linowski made the motion and Mrs. Fooks the second to adopt this Ordinance. Motion carried by unanimous vote. This is Ordinance 760.

Mr. Maddren asked permission to properly advertise for adoption at the June 4 Council Meeting an updated Ordinance adopting the current Proposed Minimum Requirements of National Flood Insurance Program and PA Flood Plain Management Act (1978-166) Section 60.3 (d). He explained why this updated Ordinance is necessary. Mr. Linowski made the motion and Mrs. Erickson made the second. Motion carried by unanimous vote.

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

Mr. Linowski made the motion and Mrs. Erickson the second to approve the bill list dated 05/07 12. The total, including JMC and Giant invoices totals \$65,256.03. Motion carried by unanimous vote.

Mr. Linowski suggested a motion be made to authorize Mrs. McKinley to advertise for bids the 2004 Ford Police Car that has been sitting out back for several months. Mrs. Fooks so moved and Mrs. Erickson made the second. Motion carried by unanimous vote.

## Minutes May 7, 2012 Brookhaven Borough Council Meeting

On May 15, 2012, the Police Committee will be meeting in Executive Session. Among other things, they will be discussing the upcoming contract for 2013 forward. The Executive Session will begin at 6:30 PM.

Mr. Linowski said that we have a lot of people in the Borough putting their trash cans in the street. Trash cans and recycling materials do not belong in the street. Put your trash and recycling out of the street. Trash cans/bags and other materials in the street cause a hazard to motorists and others. Trash and recycling is not picked up until Wednesday. Also do not put your trash and recycling out before 5:30 PM on Tuesday evening.

### MINUTES APPROVAL

Mrs. Erickson made the motion and Mrs. Fooks the second to approve the March 26, 2012 Workshop Minutes. Motion carried by unanimous vote.

Mr. Linowski made the motion and Ms. Truesdale the second to approve the April 2, 2012 Council Meeting Minutes. Motion carried by unanimous vote.

MAYOR'S REPORT – Mayor Hess was absent because of his employment.

### COUNCIL REPORTS

The following Councilpersons had no report this evening: Ms. Truesdale and Mr. Wilwert (absent).

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

A motion to adopt the resolution for the updated Emergency Management plan can not be made yet. The Emergency Management Team is waiting for Larry Bak from the County to provide us the necessary updates. Hopefully this matter can be taken care of at the June Council Meeting.

Shred It Day is scheduled for Saturday, May 19 from 8:30 AM until Noon. The shredder truck will be in the Municipal Center parking lot.

The Memorial Day Ceremony is Monday, May 28 at 8:00 AM at the Memorial Island across from the firehouse.

Ms. Leslie attended the Pennsylvania State Association of Boroughs Convention last week. She found it to be very informative. The first guest speaker was Richard Dreyfus. He spoke about promoting civics education. PSAB had some great seminars to attend and she thinks more people from the Borough should attend because there are so many seminars one person can't possibly attend all of them. It would be better if several people attended so that as many seminars as possible could be attended. The seminars she attended were: Keeping Your Children Safe, Meghan's Law, CSI PA State Police Crime Lab, Natural Gas Pipeline and the PUC, Reasonable Suspicion (are you able to detect drug/alcohol abuse) on your employees, Floodplain Management and What you don't know can hurt you (Collective Bargaining with your Police). She thanked the Borough for allowing her to attend. She met a lot of people who were very informative and she got the benefit of different views on subjects and different ways to run operations within the borough.

Minutes May 7, 2012 Brookhaven Borough Council Meeting

The Fire Committee will meet on Thursday, May 10 at 7:00 PM. The meeting will be at the firehouse.

The Brookhaven Fire Company had a very nice memorial service marking the 10 year anniversary of the death of Junior Firefighter, Chris Kangus.

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

The next meeting of the Ordinance Committee will be in June at a date and time yet to be determined.

Mrs. Fooks said she attended the Psychic Fair jointly sponsored by the Recreation Board and the Clock Committee. She said it was well attended and a nice fund raiser.

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

The Butterfly Garden is ready to have the mulch put down. She and any other volunteers who choose to come out will be doing that this week.

Residents from Hilltop and Hilltop Summit have made Memorial Park their dog walking area, even though signs are posted that no dogs are allowed in the park. All Borough parks are posted no dogs allowed. How can this be enforced. They are not cleaning up after their dogs and it is causing an unsanitary condition.

Does anyone know why there are 6 cars with sale signs on them on the Edgmont Avenue side of the Cambridge Square Shopping Center? Mrs. McKinley said she doesn't know why they are there but in the past the Police Department would get the license numbers and a letter is sent to the vehicle owner.

Mrs. Erickson said the weather prediction is that it is going to get hot early this season. Pools are not open yet but water is accumulating on the covers. Because of the possibility of mosquito breeding, pool covers must be pumped off by the owners.

ENGINEER'S REPORT – Mr. Catania

Regarding the gym lights upgrade, we awarded a contract for \$5,400. Company who got the award notified us they had made an error and the actual cost for the upgrade was \$8,400. What is Council's pleasure? Mr. McCray said "hold off" on this upgrade.

Mr. Catania said he, N. Sanbe, and Mr. Maddren did get out to 133 Charles Avenue last Wednesday. We need a timeline to correct the situation. An architect went through the building. Is it safe? We need a design of what it would take to rehabilitate the house. The Borough will give the owner and her family 30 days to come up with a plan and report back to Mr. Catania. They will have 45 days to correct everything.

Mr. Catania said there is nothing new on 3408 Victor Avenue.

Some sink holes related to storm sewers on Marianne Drive and Camelot Drive needed to be repaired. The one on Marianne Drive was \$2,000 and the one on Camelot Drive was \$4,000. JMC did the work. Mr. Linowski made the motion and Mrs. Erickson the second to ratify these expenditures. Motion carried by

Minutes May 7, 2012 Brookhaven Borough Council Meeting

unanimous vote.

A. F. Damon Company will begin the 2012 Street Resurfacing Project on or about May 14. They will notify affected residents and post the streets at least 24 hours prior to work.

Mr. Catania said that their office inspected the rear yard of 316 East Brookhaven Road after being referred a complaint from an adjacent property owner. There is an open drainage ditch that runs through the rear yards from Virginia Avenue to Ridley Creek. The ditch has been enclosed with short sections of pipe. The complaint was that the ditch was being filled causing water to pond on the adjacent property. There was no evidence that the ditch was being filled. However, it appeared that natural erosion/sedimentation is causing the ditch to become irregular, creating the ponding. In order to correct the problem, the ditch needs to be dug out to restore the proper grade. It appears that this is a private property issue but further research is needed to confirm that.

#### INSPECTORS' REPORTS

Messrs. Cornog, J. Grant, R. Grant, A. Sanbe and N. Sanbe were either not present or did not have a report.

HEALTH INSPECTOR - Mrs. Warfield asked to meet with Mr. Catania after the meeting.

FIRE MARSHAL – Mr. Leslie reported that his inspections are on-going.

There are companies asking to come into the Borough to sell fireworks in shopping center parking lots, especially Plaza 352. The company is telling Mr. Leslie that the State rules can supersede any Borough ordinances. Mr. Maddren said he would have to check this out. Mrs. McKinley said that K-Mart sells filled propane gas tanks and fireworks and propane tanks could create a dangerous situation.

Mr. Leslie said the people in Hilltop want him to go through Hilltop to notify residents they must clean out their dryer vents on a regular basis. It is not his responsibility to do that. It's Hilltop Management's responsibility. There have been fires related to dryer vents problems in Hilltop, most recently at GG-11.

CHAIR RECREATION COMMITTEE, CO-CHAIR VACANCY REVIEW COMMITTEE, CHAIR INSPECTORS AND FIRE MARSHAL, CHAIR TRASH/RECYCLING PERFORMANCE COMMITTEE AND MEMBER CONDO ASSOCIATION – Mr. McCray

Mr. McCray asked for a motion to waive the permit fee for the American Legion's Poppy Sales at various locations and date. Mr. Linowski so moved. Mrs. Fooks made the second. Motion carried by unanimous vote.

Mr. McCray asked for a motion to waive the permit fee for the Tall Cedars of Lebanon's permit to solicit donations for Muscular Dystrophy at Pathmark on May 31 and June 1 and 2. Mr. Linowski so moved. Ms. Truesdale made the second. Motion carried by unanimous vote.

Mr. McCray took the opportunity to remind all present that there will be a Monte Carlo Night sponsored by Brookhaven Baseball on May 19. It begins at 7:00 PM and should end at 11:00 PM. Come and support this Borough function.

PUBLIC DISCUSSION – None

Minutes May 7, 2012 Brookhaven Borough Council Meeting

There was nothing else to come before Council except the reminder there is an Executive Session immediately following the meeting. Mr. Linowski made the motion and Mrs. Erickson the second to adjourn. Motion carried by unanimous vote.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary