

MINUTES
BROOKHAVEN BOROUGH WORKSHOP MEETING
MONDAY, NOVEMBER 23, 2020

At 7:00 PM Council President Terry Heller called the regularly scheduled Brookhaven Borough Council Workshop Meeting to Order. Mr. Heller led in the Pledge of Allegiance to the American Flag.

The record shows the meeting was held by Virtual Teleconference and the following people participated in the meeting by Zoom: Mayor Leslie, Council President Mr. Heller, Councilpersons Ms. Sawicki, Mrs. Heller, Mrs. Fooks, Mr. Gilroy, Mr. Vazquez, Engineer Mr. Catania, Solicitor Mr. Wills and Office Manager Mr. Wilwert. Mr. Pappas was not present for the meeting. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

PUBLIC DISCUSSION.

Mr. Tom Dykes, W. Brookhaven Road, asked about plant set backs on roads, especially on corners. He said that there is a house on the corner of Mt. Vernon Avenue and W. Brookhaven Road that has a huge bush; if you stop on the designated white line you can not see towards Edgmont Avenue. It also has a fence around the front and side yard and there are two other large bushes that are up closer to the road. Mr. Dykes asked if this could be causing some of the issues at that intersection. Mr. Vazquez asked if these are new bushes. Mr. Dykes said he didn't know but the fence is definitely new. It is a split rail fence and is 3 feet high. Mr. Vazquez said that doesn't appear to be affecting the site. Mr. Dykes said if he is in his car and stops on the white line, he cannot see Edgmont Avenue because of the bush and the height of the fence. Mr. Dykes said that he thought Brookhaven didn't allow fences in the front yard. Mr. Heller said that it is not the front yard but the building footprint. Mr. Dykes said he thought the fence from the side yard could not come past the front of your house; Mr. Heller said that it can in some cases. Mr. Wills said that we will send the Code Enforcement Officer over to the property to look at it. If the site lines are being adversely impacted, that is something that the Borough may wish to look at.

SOLICITOR'S REPORT – MR. JAY WILLS

Mr. Wills gave his comprehensive Solicitor's report to the Council members this morning and reported the following issues:

Arbor Developers – This is a sub-division on Zoar Street. The Planning Commission met on November 17, 2020 and recommended conditional approval for this two lot subdivision plan. Mr. Wills said that he has recently drafted a resolution for Borough Council's consideration at the December 7, 2020 meeting granting conditional approval for the subdivision plan. Mr. Wills will forward this resolution to Borough Council for its review and consideration as early as tomorrow.

701 Marshall Road – This is a property that all of Council is familiar with. Mr. Wills had filed a complaint in equity and a petition for a Preliminary Injunction against the property owner in the Delaware County Court of Common Pleas.

At an abbreviated meeting held before Judge Barry Dozer on November 18, 2020 the Borough's petition was granted for Preliminary Injunction for the property owner to comply with the Borough's property maintenance codes and ordinances. The property owner was also ordered to partially reimburse the Borough for the legal fees and court costs that it has expended in compelling the various pleadings that were filed in the Delaware County Courts.

Sewer Backup Claims – Mr. Wills has drafted a resolution for Borough Council's consideration adopting and implementing these sewer backup claim procedures as recommended by the Borough's Liability Insurance carrier which is Gallagher Bassett. This is something that Borough Council may wish to implement at the December 7, 2020 Borough Council Meeting.

Act 17 Covid-19 Benefits For Police Officers – As Borough Council may be familiar with, Governor Wolf signed into law Act 17 in April, 2020 which provides up to 60 days with full salary benefits to Police Officers who are diagnosed with Covid-19 or who are quarantined due to Covid-19 exposure from performing their duties. As a result of that Covid-19 legislation, Mr. Wills has recently forwarded to Mayor Leslie and to the Acting Police Chief the Act 17 Covid-19 Benefits Policy statement for distribution in the Borough Police Building as well as an Act 17 Covid-19 salary benefit application for and proposed correspondence from Mayor Leslie addressing the Officers should Act 17 benefits be afforded to them.

MAYOR'S REPORT

Mayor Leslie reported that Dunkin Donuts will have their Grand Opening on Saturday, December 5, 2020 at 11 am.

Mayor Leslie said that Mrs. Christina Johnson wanted to let everyone know that they will be having a Celebration Of Life on Saturday, December 5, 2020. They would like everyone to take part by lighting a candle. They will begin lighting the candles at 6 pm and the streets include Adams Drive, parts of Lincoln Drive, Chandler Drive, Mt. Vernon Avenue from Brookhaven Road to Chandler Drive, Sweeney Circle, Conley Circle and West Maple Avenue. The rain date will be Sunday, December 6, 2020.

Mayor Leslie asked everyone to make sure that their masks and gloves are not discarded on the streets. We have received complaints about this; just a reminder that we want to keep our Borough clean and to dispose your masks and gloves properly.

MEMBER CONDO ASSOCIATION COMMITTEE, PLANNING COMMISSION LIAISON, MEMBER PERSONNEL COMMITTEE, COUNCIL LIAISON TO CIVIL SERVICE COMMISSION, MEMBER POLICE COMMITTEE, MEMBER PUBLIC WORKS COMMITTEE, CO-LIAISON TO ZONING – MR. PAPPAS

Mr. Pappas was not present and there was no report.

BUSINESS AND REVITALIZATION COORDINATOR, MEMBER FINANCE AND ADMINISTRATION, MEMBER GRANT COMMITTEE, CO-CHAIR HOLIDAY PARADE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLAN COMMITTEE, CHAIR ORDINANCE COMMITTEE, CO-CHAIR RECREATION BOARD, SCHOOL BOARD LIAISON, MEMBER CONDO ASSOCIATION, CHAIR TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. FOOKS

Mrs. Fooks reported that the Ordinance Committee met on November 19, 2020 and we continued our work on the Food Truck Ordinance and the Permit Application. Mrs. Fooks has sent the work done so far to Council and Mr. Wills for their review. Mrs. Fooks said that this has been a work in progress for months and she would like Council and Mr. Wills to give their input and comments about this.

Mrs. Fooks commented that the Holiday Parade was awesome. She was fortunate to be able to walk in it and said how nice it was to see the resident's faces when they passed by. She wanted to thank the Parade Committee and everyone involved. Mrs. Fooks wished everyone a Happy Thanksgiving; it will be different this year with Covid but she hopes that everyone will have a great day.

CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND INSURANCE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLANS, MEMBER FIRE COMMITTEE AND MEMBER GRANT COMMITTEE – MS. SAWICKI

Ms. Sawicki reported that Mr. Wilwert and Mrs. Natale have been working on the 2021 Borough Calendar. It will be mailed to the residents in December and everyone should receive it by Christmas. She commented about the Borough Newsletter that was discontinued because of Covid. Hopefully the Newsletter will begin again in Spring in a new format. It will be digital and will be on the Borough Website; paper copies will be available in the Borough Office. Mr. Wilwert and Mrs. Natale will be handling this and will be sending emails to Council regarding submitting their reports for this. Mrs. Sawicki thanked Mr. Wilwert and Mrs. Natale for their work on both the calendar and the upcoming Newsletter.

Ms. Sawicki reported the following about the 2021 Budget:

She said that everyone knows that 2020 has been a very tough year for our residents and our government as far as our income and expenses. Our Borough has been able to get through this year by watching our expenses very carefully. The Borough Budget has four categories: General Fund; Sewer Fund; Trash Fund; Road Fund. There is no tax increase for General Fund. The Sewer Fund will have an increase of \$36 for the residents who have DELCORA which will be on your tax bill. There is no tax increase for the Trash Fund because we are in the second year of the contract. The Road Fund is solely funded by Harrisburg's lump sum that they give us every year to assist us in our road work. There is a Borough Inspection period for the Budget which will be from December 8, 2020 through December 21, 2020 in the Borough Office and will be available at the Borough Office for any resident that wants a copy. The Budget will be adopted at 7 pm on Monday, December 21, 2020.

Ms. Sawicki highlighted the following:

Our opening balance is projected at \$540,000. Our tax revenues for next year should be \$3,900,542. Licenses and permits: \$206,000. Our Fines and Forfeits: \$35,000. Interest and rents: \$74,868. Inter-Governmental Rentals: \$217,410. Departmental earnings is \$254,200. Disbursements: \$44,925. Miscellaneous: \$1,000 and \$110,000 which is basically Grants, giving us a revenue of \$5,384,053 which is less than we had last year. Most items in the budget are pretty much in line with what we have and we try to keep things as limited as we possibly can. When we deal with Police, the Budget is one of the largest budgets we have as well as the Fire Department. We have money in the Budget for our escrow that we have for our 2023 purchase of our new Fire Truck. We will be putting \$105,000 in next year for that item. There are always a lot of items for Public Works, Recreation and Insurance. Our expenditures are also balanced: \$5,384,053. Trash Fund is \$789,515. The Road Fund for next year is \$530,806; this comes solely from money that we receive from Harrisburg. We are anticipating Liquid Fuels as \$200,606. Our Sewer Fund is based on Sewer Fund System which is all the miles of pipe we have in the ground and then we have the Sewer Plant which serves residents that live in the 4th and 5th District. Most of the other residents deal with DELCORA. There will be a list on the last page that explains what the rentals are. If you are in Zone 1, 2 or 3 it is \$430 for your sewer items next year. Zone 4 is \$474.69 (this is the Plant). Hilltop and Creekside is \$428 per unit.

Mrs. Heller asked if we can put the budget on the website for people to view it without having to come into the building. Ms. Sawicki said that was a great idea; we do legally have to have copies here in the building for inspection but we can put it on the website.

FINANCE AND INSURANCE COMMITTEE, MEMBER PUBLIC WORKS COMMITTEE AND LIAISON TO ZONING HEARING BOARD – MR. VAZQUEZ

Mr. Vazquez reported that the Zone 4 leaf collection is completed. The leaf truck can only come to each street in the Borough one time. Leaves should be out in the street by 8 am. Once the street is completed, there is no return pick-ups. Please be aware of when your street pick-up is scheduled. Zone 1 will be started on November 30; Zone 2 on December 7; Zone 3 on December 14. The pick-up schedule is posted on the website and on Facebook. If you miss the pick-up, you can always put your leaves out in the trash or you can compost them.

MEMBER PERSONNEL COMMITTEE, MEMBER BUSINESS REVITALIZATION COMMITTEE, MEMBER CHAIR EMERGENCY MANAGEMENT COMMITTEE, MEMBER HOLIDAY PARADE COMMITTEE, CHAIR POLICE COMMITTEE AND MEMBER RECREATION BOARD AND MEMBER TECHNOLOGY AND COMMUNICATIONS COMMITTEE, CHAIR FIRE COMMITTEE – MRS. HELLER

Mrs. Heller wanted to give a special thanks to the Co-Chairs of the Parade Committee: Vawn Donaway and Linda Riffert as well as the rest of the committee members, Stephanie Donaway and Ginnie McKee. There is a lot of behind the scenes work that takes place in order to put on the Parade. A lot of the planning started in June. Mrs. Heller also wanted to thank the Brookhaven Police and Fire Department and our Public Works Department for cleaning up the streets.

Mrs. Heller said that the Rec Board will not be meeting in November or December because all of the previously scheduled events have been cancelled due to Covid. Hopefully we can start meeting again in January. Mrs. Heller also wanted to wish everyone a Happy Thanksgiving.

MEMBER POLICE COMMITTEE, MEMBER VETERAN'S COMMITTEE, MEMBER TECHNOLOGY COMMITTEE – MICHAEL GILROY

Mr. Gilroy reported that in the last two weeks he has been trying to get used to the process and introducing himself to the Police Chief, Mrs. McDade and Mr. Wilwert in the Office to see where he can best fit in. He said that the Parade was fantastic and it was a great time. He wanted to thank everyone involved in the planning of the Parade and wished everyone a Happy Thanksgiving.

PRESIDENT OF COUNCIL, CHAIRMAN BOARD OF HEALTH, CHAIRMAN BUILDING COMMITTEE, MEMBER BUSINESS REVITALIZATION COMMITTEE, MEMBER GRANT COMMITTEE, HISTORICAL COMMITTEE, MEMBER LONG TERM COMPREHENSIVE PLAN COMMITTEE, MEMBER POLICE COMMITTEE AND MEMBER PUBLIC WORKS COMMITTEE – MR. HELLER

Mr. Heller said he would have a full report at the December Council Meeting. He wanted to thank the Parade Committee, Mr. Donaway, Mrs. Riffert, Mrs. Donaway, Mrs. Heller, Mrs. Fooks, Ms. McKee and everyone involved.

Mr. Heller said that we have a huge spike of Covid cases in Brookhaven. Today we have 176 cases. 38% of our cases have come within the last 30 days. 67 cases were in the last 30 days in the Borough. We did get some good news this morning; now there is a third vaccine that is ready for submission to the FDA for emergency use authorization. Mr. Heller said he was in touch with State Representative Leigh Ann Kruger this morning. She had been on a conference call with Governor Wolf and Secretary of Health Rachel Levine and they believe that 3 million doses will be ready by mid-December. We should have 20 million doses ready by January so hopefully the end is near.

Mr. Heller wanted to thank Ms. Sawicki, Mrs. McDade and the Budget Committee for the job they did in avoiding a tax increase. Mr. Heller said that in our early meetings back in April or May we cut something like \$450,000 from the Budget to avoid a tax increase. We were worried about the Mercantile Tax and the Earned Income Tax but everyone did a fantastic job in avoiding a hike in taxes. Mr. Heller wanted to wish everyone a Happy Thanksgiving.

ENGINEER'S REPORT – MR. CATANIA

Mr. Catania reported the following:

We have the 2018 Small Water and Sewer Grant which is for the Brookhaven Road sewer rehabilitation. Mr. Catania received authorization to advertise that project; hopefully we will have the bid tabulations and will recommend authorization at the December meeting.

We hope to have an escrow from the Arbor Developers on the Zoar Street Subdivision for consideration for this project.

Mr. Catania said he has received a series of complaints about sewer plant odors by the Trimble Run Condos. We have checked them out numerous times and each time we go we do not find an odor. Mr. Catania said that it is important to start to log these complaints when they come in and the log should include the location, the date, the time and in particular the wind direction. We had a complaint this morning and when Public Works went down the wind had changed so it was impossible that the odor was coming from the Sewer Plant.

Mr. Catania said that the Borough was sent a letter in September from the Pennsylvania PADEP giving a summary of the treatment plant and we received notice that there were some overloads to the plant – hydraulic overloads which is too much flow and organic overloads which is basically the strength of the system – it is too much for the plant to handle. The hydraulic overload is a three month period from November 2018 to January 2019. Those three months exceeded the flow. The organic overload was three separate months in 2019 – May, August and October. There is no correlation between the two. The letter from DEP basically said that there was a problem at the Sewer Plant and we can't allow any new connections to the system. We need to provide DEP with a Corrective Action Plan within 90 days of the letter, which is December 2, 2020. We have been working on providing the response to DEP.

Mr. Catania wanted to go through the Corrective Action Plan. For the hydraulic portion of it, DEP did provide some guidelines. The guidelines are basically mapping, metering, televising and following with more monitoring. We are going to modify it a little bit with the mapping and flow monitoring system. This will track the system as a result of rain events. We will not be measuring gallons but measuring the influence of the rain on the system. It is a very cost effective way to do this type of monitoring. This does not require manhole entry. We can put about 14 or 15 of these monitors in the system for the same cost as putting maybe three or four meters. Manhole inspections will be included. We don't have to go down the manholes as before; there is a panoramic 3-D video camera that is lowered into the manhole and we can get a full assessment of the manhole. This is the new trend and the way to go; it picks up things that would normally be missed by using a flashlight and mirror. This is proposed as our Phase 1 screening. Mr. Vazquez asked if the video is saved as a file for future reference. Mr. Catania said it would and that work will be done by Duke Technologies. They have been around a long time and we use them in the Borough to do root treatment. They have expanded their scope of services to include some sources and evaluations. They have a 360 Program which is a comprehensive look at the system. Mr. Catania said that when we start to look at these systems we have a lot of tools in our toolbox. Duke Technologies has found a way to bundle this up in one package. It is a great way for us to get a screenshot of the system and to be able to better prioritize our resources. Their cost is \$42,730 in order to provide that service.

Mr. Catania said that Phase 2 is a sewer assessment and Public Works can do this work. It will include televising the areas that are identified through the screening. We can do dye testing where the storm sewers are close to or crossing sanitary sewers. We can potentially do some smoke testing; it has its merits; we may bring someone in to do this. We will do some flow meter analysis. This will be using the meters we already have available.

Phase 3 will be private laterals. Over the years we have spent a lot of time addressing the systems that are owned by the towns. We have had efforts to try to remove excessive flows out of the system. We have spent a lot of time trying to upgrade and rehabilitate the municipal system. After spending some time and money, multiple studies have shown that a good portion of this problem is not in the Borough pipes, but coming from private laterals. We have 30,000 feet of publicly owned sanitary pipe in this area. There is probably 300,000 feet of small private laterals, which is the pipe coming from the house and connecting to the Borough's sewer system. Studies have shown that private laterals contribute to the problem. Phase 3 would be looking at private laterals; not going to people's houses, knocking on the doors and running a camera down their sewer lateral. We are going to give information to them about the connection of their sump pumps, etc. At least 75% of the houses have clean outs or vents in the lawn area and some of those are susceptible to letting water getting into them, especially in low lying areas. Our private lateral program would be doing a drive by and looking at those vents and doing a public education program. Mr. Catania said that DEP in other cases have been pushing for private lateral inspection ordinances. They are requiring property owners to expend funds to bring a contractor in to televise their sewer laterals and to make corrections if they find any deficiencies. This has been frowned upon by many public officials since they do not want to put this cost on their residents. Not too many towns in Delaware County have passed this Ordinance and if they did, most of them just have the inspection done when the home has been sold. Mr. Catania said that our initial draft to the DEP will not include inspection of private laterals, but Mr. Catania said that in their response to us, they will probably include that we should have private lateral inspections. Mr. Heller asked if we were to adopt this, we could make it to be only upon transfer of the home. Mr. Catania said we could; we can let DEP know that we are considering doing this when a home is transferred. Mrs. Heller asked how we can enforce this. Mr. Catania said that he would think that when the Certificate of Occupancy is applied for the transfer of the property, one of the conditions would be that they would have to provide a Sewer Lateral Inspection Certificate from either a plumber or a sewer specialty contractor. Nether Providence has this and they have a program where they train plumbers to do this. Mr. Gilroy asked how much this would cost for the lateral inspection. Mr. Catania said anywhere from \$250 to \$500. The cost for the inspection would not be the burden but it would be if you would have to replace the sewers. Mr. Catania said that he feels most buyers would like to have this done to know there is no problem with the sewers; this could be included with the home inspection. Mr. Catania said that after we do all this screening and assessment we need to see what needs to be done in order to reduce the water flows and we will do this. This will not be a cheap price tag on this. The Organic loading portion is showing that the plant may not be able to operate like it is supposed to.

We have asked Gannett Fleming to provide a proposal for the organic overload for this at a cost of \$8,000. Mr. Catania said he is going to ask for authorization at the December meeting to get these things moving forward. Mr. Catania said he has to submit the Correction Action Plan before the December meeting so he asked anyone who has input to submit it to him by the end of the week. Mr. Vazquez said he wanted to reiterate that this is our response to DEP's letter regarding the violations at the Sewer Plant. This is not something that we are just going out and doing on our own. Mr. Catania said that this is serious; we have had problems for a while and we have to address them. If we do not respond, we will probably be fined. They told us that we cannot have any new flows to the system. Mrs. Heller asked if the \$42,000 is just the Duke Technologies cost for Phase 1 or does this include the screening, the televising and the private laterals. Mr. Catania said that the \$42,000 is just for Phase 1. Phase 2 could be done by Public Works. For Phase 3, which includes private laterals, we have public information materials that we could provide to the Borough to distribute to the residents in the treatment plant area. Mr. Catania said that the lateral inspections can be done by Public Works. Mrs. Heller asked if there is a timeline when everything has to be complete. Mr. Catania said the plan requires us to provide a timeline which is about 18 months. The assessment part of this is eight months. We would not do anything until we get approval from DEP on the Action Plan.

FIRE CHIEF – MR. MONTELLA

Chief Montella reported that we have been hit hard with the Covid as of late. We have been on top of it and have been getting our notifications about Covid patients. Our deconning procedures are keeping our people safe so far. We received a letter from the County stating that they are getting ramped up for the vaccine for First Responders. We are compiling our active member roster to be submitted to the County and to our dispensing place which will be Crozer Hospital. They are estimating maybe mid-December to late December. Mr. Heller asked if Delaware County will get a fair share of the vaccine. Chief Montella said that they will submit notification to us and the time to show up. We need our Fire Department ID and our names have to match those on the roster. Mr. Heller said that he wanted to thank Lowe's for donating 500 K-95 masks to the Police Department today. Chief Montella wished everyone a Happy Thanksgiving. Mayor Leslie said that the Fire Department is doing a great job of keeping everything clean since no one has gotten Covid.

OTHER BUSINESS

Ms. Sawicki made a motion to approve the Borough 2021 Budget for the purpose of legal advertising for the 12/21/2020 adoption of our budget and including our inspection period. Mrs. Fooks seconded the motion. The motion was unanimous. Mr. Wills asked if Mr. Wilwert will be doing the advertising along with the Tax and Revenue portions. Ms. Sawicki said he would.

INSPECTORS' REPORTS

FIRE MARSHAL – MR. LESLIE

Mr. Leslie was not present and had no report.

BOARD OF HEALTH –

There was no report.

ZONING OFFICER – MR. HAMPTON

There was no report.

PUBLIC DISCUSSION

John Snyder from SLD representing Brookhaven Storage. Mr. Snyder said that in August or September Council approved the plan for a storage facility on East Brookhaven Road. The developer is ill and he has sold the project to another developer. The new developer is looking at making some small minor changes. About a 1200 square foot difference between the two plans. There will be some storm water changes. Mr. Snyder asked how far we have to start over. Mr. Heller said that they have to submit the new plans to Mr. Catania.

All of the Council members wished everyone a Happy Thanksgiving.

ADJOURMENT

There was no other business to come before Council. The meeting was adjourned at 8:00 pm.
(There was no motion made for adjournment.)

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary