

MINUTES  
BROOKHAVEN BOROUGH COUNCIL WORKSHOP  
MONDAY, NOVEMBER 28, 2011

At 7:00 PM Vice President of Council, Janice Sawicki, called the regularly scheduled Workshop Session of Council to order in the Brookhaven Municipal Center Council Chambers.

The record shows the following people seated at the Council Table: Mr. Donaway, Mr. Linowski, Mrs. McKinley, Ms. Sawicki, Ms. Kushto from Beatty Lincke, Mrs. Erickson, Mayor Hess, Mrs. Erickson, Mr. McCray and Mrs. Mulvena from Walton, Mulvena and Associates. Mr. Wilwert was absent because of his employment. Ms. Leslie was absent because of a scouting obligation with her son.

PUBLIC DISCUSSION

William Vesper, owner of John's Village Market at 4235 Edgmont Avenue addressed Council. He said that he owns the building and this year he and his brother decided they would like to sell Christmas Trees, wreaths and other related holiday items. Being a Borough business and already having a license to have the business in Brookhaven, why does he need another permit to sell the above named items outside his existing business? To sell the trees, etc. they also had to get a fence permit and Zoning Permit. That was another \$90 on top of the \$1,000 Street/Sidewalk Sale License. Mrs. McKinley said she had consulted Beatty Lincke about the situation prior to issuing the permit. K-Mart and Pathmark do not pay a permit fee for their sidewalk sales of plants, etc. because that is part of their normal business. Mr. Linowski the Zoning Ordinances say that that businesses must be contained inside their structure but Minutella's Florists have items for sale outside of their establishment. Mrs. Warfield said the To Go Mart and Gas Station sells firewood and other items not related to their business outside. Mr. Donaway asked if anyone remembered why the Street/Sidewalk Sale Permits and Fees were changed many years ago. Former Councilman, Mike Ruggieri, said that the existing Street/Sidewalk Sale Permit and Fee Schedule was established because existing businesses complained that the Borough was permitting outside vendors to come in, establish temporary businesses and take business away from them, e.g., flower sales at Easter, Mothers' Day and other holidays. "It was done in defense of established merchants". Council decided to take the matter under advisement.

George Scarino from 4112 North Gray Street asked Council for an update on the flooding problem he addressed Council about last month. Has a date been set up for the inspection of the lines? Mrs. Mulvena said the Maintenance Staff is doing leaves now and it will be scheduled after the leaf recycling program is complete. There was discussion about moving the date up and Mr. Wilwert said he will get a date from

Gary Thompson. Hopefully it will be some day this week. Mr. Walton said he did go to G. D. Houtman to see if they had prints of the area but they didn't find anything. Mr. Scarino said Mrs. McKinley filed a claim with the Borough's insurance company after his insurance company denied his claim for water damage to the carpet in his basement. The Borough's insurance company denied the claim. Mr. Scarino called the Borough's insurance adjuster and it was still denied. Mr. Scarino said back in 1995 he had filed a claim with the Borough's insurance company and was compensated \$205. Then in June 2003 he filed another claim and was compensated \$4,100. Has something changed? Mrs. Mulvena spoke about insurance procedures she had heard about and she felt that because of prior notice—not a claim within 3 years of the last claim in 2003, that's why it may have been denied. Mr. Scarino said the Borough needs to correct this water situation now. He is trying to handle this amicably and will be back to discuss

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progress or other matters related to the situation at future meetings. He said he would prefer not to take this to a higher authority but if he has to he will.

Phyllis McCrea from 412 Creekside Drive, a member of the Traditions at Ridley Creek (TRC) Homeowners Board addressed Council. She said it is her understanding that Pulte has put in a request to get their money back. She asked that Council take time to really look at the code violations at TRC. Among other things, she said that Building 6 from top to bottom has mold because of a roof leak. She also spoke about the fire alarms and problems with them. She asked that Council not give them their money back too fast. She said that there are problems with the tilt bars on the gas ranges. Mr. Donaway, among other things, spoke saying many of the problems are not going to be addressed by Council because they are issues between the individual homeowners and Pulte. He spoke about the proper procedures that must be followed by the homeowners in order to get repairs done. This procedure and other things were explained in a letter sent to each unit in TRC by Messrs. Linowski and Donaway. This letter was sent with authorization from Borough Council. There doesn't seem to be much communication between Pulte, the HOA and/or the Management Company. The Borough suggested getting the information out via the HOA newsletter but that request was denied. We have gone out of our way to help get things we are able to resolved. The Borough does not have escrow for individual units. Ms. MacKenzie said that under the PA Municipalities Planning Code the Borough only has 45 days to consider their request for release funds. If Council does nothing, then the money automatically goes back to Pulte. Mrs. Mulvena asked that the section in her written report to Council entitled Traditions at Ridley Financial Security Reduction Request by Pulte dated 11/28/11 be recorded in the Minutes. The report says "Pulte Group has asked for a Performance Bond Reduction to \$82,500 to cover the items remaining. The following is the list of items we believe should be included on the escrow listing and the associated pricing:

Paving is subject to winter performance: \$7,500

Drainage near parking space 932; Water is still sitting there today and it rained last W4ednesday. \$2,500

Adjust two manholes and regrade/restore in vicinity of water company access. \$2,500

Some maintenance monies required to address rock swale on Brookhaven Road; this has blown out twice. \$1,000". She mentioned at this point that there is also a 2 year maintenance contract with PennDOT. "

"Tree work to be performed: \$10,000 (still waiting for specifics)

Building 3 rear near center of building is not connected to the storm sewer: \$300

Front of Bldg 2, CB 29-repair bench; otherwise street will erode; fill in with at least 6" deep concrete. \$750. Water will be collected the way it is so it is not necessary to redo installation.

Building 3 front – yard drain sits too high - \$500

As-built plans: \$2,500

Bldg 4 & Bldg 5 – Show the as-built condition of surface drains on left sides of each when looking at the fronts of the buildings.

Seepage Bed 3: plan shows a water line running through the bed; this was not seen during installation. This is going to be a problem if/when maintenance is required on the water pit.

Show details of this so that the HOA will know exactly what to expect there.

Bldg 5 – right front – show where the yard drains connect.

Bldg 12 – Community Room – show where the rear yard drain lines go – check which storm sewer is connected to and show accordingly.

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Bldg 12 – NE corner – nothing is shown concerning the RWCs. Same comment as above. Add Lines to the plan.

Bldg 7 – Rear right RWC connection is not shown.

Sidewalk thickness 4” stone must be verified – Bldg inspector inspects sidewalks; we have asked him to confirm this. If we don’t know, then we are suggesting coring in two locations @ \$500 ea, \$1,000

Curb cut ramps require adjustment where > ¼” height differential occurs. \$1,500

Gates: \$50,000”

“Mortar replacement in inlets: \$7,500

Total is \$80,050 and as provided for in the MPC, value shall be 110% of costs = \$88,055.”

Joseph Klinger, 632 Creekside Drive said there are a number of code violations, e.g., 25 amps on the heater. He said the plans filed in Media show 3 gates. When asked what plans he was referring to he said as-built site plans. He said it also shows a path in front of Building 11 but that is not there. He said he believes Council can say no to the release without hurting Pulte and said “do not say yes to giving back their money”.

Barbara Ormsby, 832 Creekside Drive spoke about dead trees on the property. Mrs. Mulvena said the trees will be marked. The Borough is holding \$10,000 for this.

FIRE CHIEF’S REPORT – Chief Montella

Chief Montella announced that Santa will be coming via Fire Truck to visit every street in the Borough. Candy Cane Day will be December 10 from Noon until whenever Santa finishes his street rounds.

SOLICITOR’S REPORT – Ms. MacKenzie

Ms. MacKenzie said the Proposed Grease Trap Ordinance will be ready for Council action at the December 5 Council Meeting.

FINANCE COMMITTEE, FIRE COMMITTEE CHAIR, POLICE COMMITTEE CHAIR, CIVIL SERVICE LIAISON – Ms. Sawicki

Ms. Sawicki said the bill list dated 11/23/11 presented tonight will be updated for the December 5 Council Meeting.

Everything is running smoothly with the Bond Issue. February 5, 2012 will be settlement.

Ms. Sawicki read the Proposed 2012 Budgets for the second time. This was done by sub-total. The only changes from the first reading were as follows: General Fund Revenues and Opening Balance –Local Taxes Line item 1.310.000 \$1,675,220, up from \$1,667,925. Bringing the General Fund Annual Balance to \$4,503,780. This enabled Ms. Sawicki to increase General Funds Expenditures Books and Periodicals from \$1,000 to \$1,150, Generator Maintenance and Contract from \$1,200 to \$2,000 and Townwatch from \$1,000 to \$2,500, increased Family Day from \$9,500 to \$11,000 and increased Holiday Parade from \$2,500 to \$5,000 for a Proposed 2012 General Fund Balanced Budget of \$4,503,780.

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Regarding the Proposed 2012 Sewer Fees, more accurate figures were received from DELCORA and the Proposed 2012 Sewer Fees in the Second Reading for Zones 1, 2 and 3 were decreased from \$270.20 to \$262.66 and Zone 5 from \$268.20 to \$260.66. The Proposed 2012 Sewer Fund Budgets are also balanced. Ms. Sawicki said motions to adopt the Proposed 2012 Budgets will be made at the December 5 Council Meeting.

### MAYOR'S REPORT – Mayor Hess

Mayor Hess told the representatives from TRC that Council senses their frustrations but we have to act in a legal manner.

He continued his report by thanking Mr. Donaway and the Holiday Parade Committee for the wonderful job they did. It was a fantastic parade on November 19.

### COUNCIL REPORTS

ARBOR/SHADE TREE CHAIR, EMERGENCY MANAGEMENT ADMINISTRATION CHAIR AND VETERANS GROUPS – Ms. Leslie was absent this evening.

CHAIR TRAFFIC CALMING, RECREATION COMMITTEE LIAISON AND SCHOOL BOARD LIAISON – Mr. McCray

Mr. McCray said that the Senior Luncheon will be Sunday, December 5 at 1:00 PM. At 6:00 PM the Tree Lighting Ceremony will begin. The chorus from Coebourn Elementary School will be providing entertainment. There will be sleigh rides on the walking trail in the back of the Municipal Center and refreshments will be served inside.

COMPREHENSIVE PLANS, PLANNING LIAISON, LONG RANGE DEVELOPMENT, CONDO ASSOCIATION CHAIR AND HOLIDAY PARADE – Mr. Donaway

Mr. Donaway said they have purchased a 2' x 5' banner for the parade. The cost was \$100 and he requested it be placed on the bill list.

Speaking about TRC, Mr. Donaway said we have done what we could. We have communicated with the Board. He said he is frustrated too. Sande Walton is at TRC every day.

Mr. Donaway said that the awards for the Holiday Parade should be ready for presentation at the January 4 Council Meeting.

Mrs. Donaway asked Mr. Donaway to announce the following: Free to a good home a used HP Deskjet printer, a scanner, a computer and a 17" monitor. All are in good working condition. Please let him know if you or anyone you know can use them. Someone in the audience suggested if he doesn't find a home for them he could donate them to Goodwill Industries.

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BUSINESS SUPPORT AND DEVELOPMENT, POLICE COMMITTEE, INSPECTORS DIRECTOR, HEALTH INSPECTOR DIRECTOR AND CHAIR HEALTH/PUBLIC SAFETY – Mrs. Erickson will give her report on December 5.

CHAIR ORDINANCE COMMITTEE, CONDO ASSOCIATION, ZONING OFFICER DIRECTOR, ZONING HEARING BOARD LIAISON AND ASSISTANT SCHOOL BOARD LIAISON – Mr. Linowski

Mr. Linowski complimented Mr. Donaway and the Holiday Parade Committee saying the parade was “fantastic”. He has heard nothing but wonderful comments about it. He could hear people commenting as he was walking in the parade.

The Zoning Hearing Board will be meeting on December 13 to take care of some housekeeping matters. Peter Schweikert, an Alternate on the Zoning Hearing Board, was elected a constable and has to resign from the board. Resumes for this vacancy can be turned in to Mrs. McKinley, Mrs. Pino or Mrs. Ruth in the Borough Office during normal business hours. They can also be mailed in.

The proposed revisions to the Fee Schedule are on hold. Mr. Linowski said the Ordinance Committee is waiting for additional information.

Mr. Linowski said authorization should be given to the Borough Solicitor to advertise the amendments to the Trash/Recycling Ordinance for adoption at the proposed Special Meeting of Council later in December.

ENGINEER’S REPORT – Mrs. Mulvena

Tonight Mrs. Mulvena provided Council with the Engineer’s Report Thru November 28, 2011. In addition to the Pulte matter spoken about earlier in the meeting, the following topics were covered in her written report: Influent Meter Procurement, Delaware County Energy Grant, Floodplain Ordinance Amendment for ICC (Increase Cost of Compliance) Flood Insurance Coverage, Municipal Center Cooling Unit Installation, Generator Replacement, FY2011 Ordinary Streets and Sewer Maintenance Program, Chapter 94 Monitoring Chart, Traffic Signal Standards, DEP Notification on Demolition Projects, NPDES MS4 Extension of Current Permit, Emergency Pre-Emption Permit Modification, PennDOT cur cut ramps, and the Stormwater Tip of the Month which concerned Rock Salt and deicing products.

Regarding the Influent Meter Procurement, she recommended that Council make an award to W. G. Malden to provide and install the influent meter and chart recorder at the price of \$5,250. She had received quotes from LRM, Inc. and FlowTech, LLC. Malden was the lowest responsible quote.

The Borough has received notice that up to \$22,500 has been provided to the Borough for purchase and installation of replacement heat pumps in the Municipal Center. If Council wishes to obtain bids in December, a special meeting will be required to award them.

The Floodplain Ordinance Amendment for Increased Cost of Compliance Flood Insurance Coverage

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should be adopted at the Special Meeting of Council tentatively to be advertised for December 19 at 7:00 PM by the Solicitor's Office.

The cooling tower installation at the Municipal Center is currently ongoing. The contractor reports that the VFDs for the circ pumps were commissioned on Friday 11-18-11. The units were set up to maintain a 25# differential across the pumps. The alignment was adjusted on both of the pumps. The units were running well with a minimum amount of noise. The VFDs for the cooling tower fans still need to be installed. Mrs. Mulvena will keep Council updated.

FY2011 Ordinary Streets and Sewer Maintenance Program – It is recommended that Council send a letter to the Delaware County Council asking that the County Aid monies allocated to the Borough for use in 2011 be reserved and made available for use with the 2012 allocation.

INSPECTORS REPORTS

BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield reported that we helped 2 families at Coebourn Elementary School for Thanksgiving.

Mrs. Elmer and Mrs. Warfield are getting the 2012 Health Licenses ready.

Mrs. Warfield said she has been busy answering calls made by people who want to remain anonymous. In most cases, the complaints are unfounded. She asked if the office staff could get a phone number of the person making the complaint. This information will be held in strict confidence.

We have recently had a problem with compost piles. We have no ordinance regulating where they should be on a property. One resident decided they wanted theirs on their front lawn much to the dismay of the neighbors.

FIRE MARSHAL – Mr. Leslie

Mr. Leslie spoke about a recent fire on Spring Street involving a fireplace.

He continued his report by saying if you smell gas inside or outside, call 9.1.1. immediately.

Mr. Leslie said it is his understanding that Pulte will be giving ½ of the cost to get opticon activation equipment in the police vehicles. The Fire Marshal's car needs to have this device installed too.

EMERGENCY MANAGEMENT – Mr. Cornog is on vacation.

BUILDING INSPECTOR – Mr. Feindt

Mr. Feindt said “short sales” are going to settlement without first getting a Certificate of Occupancy. How should this ordinance violation be handled?

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The former Brookhaven Farmers Market at the corner of E. Brookhaven Road and Edgemont Avenue is being converted into a Tobacco Store. The new owner has also purchased the Ward home and adjoining lot on East Brookhaven Road.

No other inspectors had reports to give.

PRESIDENT'S REPORT – Ms. Sawicki for Mr. Wilwert

Ms. Sawicki read his report. In it he said if anything comes up about Zone 1 leaf collection we are doing the best we can. The big complaint is that the leaves were not off the trees when we did Zone 1. People came out later and raked their leaves after the leaf crew passed because the leaves finally fell off their trees. Right now we are really behind in the leaf collection and we must finish the entire borough before we can even consider going back to Zone 1. Mr. Wilwert said he will keep an eye on the collection progress and then ask Council if they want us to go back to clean up Zone 1. We are hindered by County's leaf recycling facility's dates. When they close for the year, we have no place to dispose of the leaves.

Ms. Sawicki announced that the Dedication Ceremony for the Clock will be held on December 11 at 2:00 PM at the clock.

PUBLIC DISCUSSION – None

Ms. Sawicki adjourned the meeting.

Respectfully Submitted,

Mary Ellen McKinley  
Borough Secretary