

MINUTES
NOVEMBER 4, 2019
BROOKHAVEN BOROUGH COUNCIL MEETING

Council President, Vawn Donaway, called the regularly scheduled meeting of Brookhaven Borough Council to order at 7:00 PM. He 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 October—Helen Williamson, Michael Wiciak, Sr., and Doris Stahl. A moment of silence was held in their memory.

The record shows all Council Members and Mayor Hess were seated at the Council Table and on time as were also Solicitor Stone, Engineer Mulvena and Secretary McKinley. Seated at the Inspectors' Table and on time was Police Chief Matthew Kurten.

PRESENTATION FROM POLICE DEPARTMENT – Mayor Hess and Chief Kurten

Mayor Hess and Chief Kurten called following police officers forward: Brookhaven Officer Ben Kyler and Jonathan Zebley, Upland Police Officers Luke McCann and John Zebley, Nether Providence Officers Sgt. Mike Montgomery and Officer Matthew Liss as well as Upland's Mayor Bill Durham and Nether Providence Police Chief Dave Splain. Mayor Hess and Chief Kurten presented certificates of appreciation to the police officers for their role in the apprehension of four individuals who were allegedly robbing the Walgreens at 4098 Edgmont Avenue. This occurred at 4:22 AM on June 6 when three of the four males entered the Walgreens seeking to rob the business of drugs and cash. At the time there were two employees and two customers in the store. One of the four suspects remained outside as an lookout. One of the others proceeded to the rear where the pharmacy is located. The suspect allegedly forced an employee to open the safe where narcotics were kept. After taking the drugs, the suspects jumped over the counter and attempted to flee the scene. A witness was observed on the phone by the alleged perpetrator. A 9.1.1. call was made. Brookhaven officers Kyler and Zebley arrived on the scene within one minute of the call. As they made a turn into the store the alleged defendant fled from the rear of the building. There was a hostage situation, the defendant grabbed an employee and believing the witness was in danger, Officer Zebley discharged his firearm one time, striking 24 year old Jonathan E. Jones, who was ultimately treated for his injuries. Officer Kyler sustained a leg injury and is still recovering. Upland Officers McCann and Zebley arrived and helped take the suspects into custody. Police later arrested 25 year old Lorenzo Ross, 35 year old Derrick Ross, 19 year old Derek L. Stevens and Jones. All four men were charged with robbery and criminal conspiracy to commit the same. Chief Kurten said "we always help each other". Nether Providence officers Montgomery and Liss responded without even being summoned. They secured the crime scene and directed resources. This incident required a multi-jurisdictional response and resulted in all defendants being arrested on the scene and all property being recovered. Chief Kurten said all of the suspects, who are from the Washington, D.C. and Virginia area remain in custody and are awaiting trial. Mayor Hess said "these officers deserve a lot of credit. They put their lives on the line for this community and we appreciate and salute them."

PRESENTATION TO COUNCIL – Representative from the Department of Agriculture

Councilman Heller introduced Ryan from the Delaware County Conservation District. He made a very nice, thorough presentation on the Spotted Lantern Fly. 4 borough-owned properties have been treated for the Spotted Lantern Fly. He also said that the Delaware County Conservation District might have some money to share. Ginny McKee, 4302 Mount Vernon Avenue, asked about the colors of the egg masses. Ryan said that right now they are only treating the Trees of Heaven. Information will be uploaded to the internet. Sue Truesdale, 34 Trimble Boulevard asked if the Spotted Lantern Flies are drawn to mulch and is there anything on one's property that can be put down to discourage them. Ryan said to go on the

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internet for that information. Harold Hampton, 4433 Houston Street said he saw on television that there is a girl who is making earrings from the wings by laminating them.

Linda Riffert, 131 Bradbury Road, said maybe once we have a hard frost it will kill them. Then they will be back in April, but even with a hard winter it may not kill them.

Hector Vazquez, 4926 Shepherd Street asked if we could split up any tax increase. Ms. Sawicki said it is only ½ mill. He is concerned about people on a fixed income. Ms. Sawicki said ½ mill equals \$50. The price of everything is going up. The borough provides many services. She said “we have to squirrel around the money”. Mr. Vazquez asked where the borough does its legal advertising. Mrs. Mulvena said the Delaware County Daily Times. Mr. Vazquez asked if we use PennBid? She said no but it may be an option. Mr. LaPera said he would go on line to see about PennBid.

Vince Rafelle, 3609 Victor Avenue asked about 3607 Victor Avenue where there is an enormous amount of trash, metal and other debris on the property. Mr. Stone said he will address that in his report.

Sue Truesdale, 34 Trimble Boulevard asked if any street is completely paved. South Gray is. Mr. Donaway said we have some storm and sanitary sewers that have to be fixed. We can't pave a street on which there is a problem.

Chuck Mathues, 206 West Forrestview Avenue asked how many meetings the Budget Committee had had this year. Ms. Sawicki said she and Mrs. McDade have been working on it and will be working on it again next week. They have to know where the money is coming from and where it will be going. We do not have a lot of money. The vote on the budget will be on December 16. It will be available for public review from December 7 through 16.

POLICE CHIEF'S REPORT – Chief Kurten

For the month of October, Chief Kurten's Statistics Report showed there were 16 persons arrested—15 adults/1 juvenile. Offences included theft, disorderly conduct, harassment, vandalism, robbery, narcotics and a sex offense. 20 thefts—7 retail thefts, 8 thefts from vehicles and 11 attempted thefts from vehicles in Cambridge Square in one over-night episode (Monday October 21 into Tuesday October 22, No forced entry (all vehicles apparently left unsecured). 3 Municipal ordinance warnings and 3 citations. 16 false alarms resulting in 2 citations. 377 security/business/property checks performed—2 residential on vacation) 9.1.1. hang up calls. Traffic Enforcement shows 62 citations issued, 18 parking tickets, 37 parking warnings, 22 vehicle collisions, 25 hazard complaints, 16 motorist assists rendered, and 10 vehicles towed and impounded. Under Appreciation, one resident provided a \$100 check to the Department as a donation. A thank you note was received regarding Officer August and Clymer assisting a motorist with a flat tire. The Vehicle report shows all vehicles are being taken to Springfield Ford for safety recalls. All are otherwise operational. Radios – Four radios were taken to the radio Communications shop to be fixed under our current monthly agreement. Result was a net gain of three (3) radios that had not otherwise been used. In October there was 1 robbery, 20 thefts, 4 simple assaults, 5 vandalisms and 5 frauds. 2 Drunkenness, 2 disorderly conducts and 1 narcotics, 9 animal complaints, 3 solicitation 3 noise and 1 dumping. 15 adults arrested and 1 juvenile arrested. \$1,190 recovered property, \$7,078 stolen property, 33 suspicious conditions, 5 harassments, 15 disturbances, 11 domestic issues, 6 civil issues, 55 medical issues. Miles driven 3,955, hours on patrol 753, escorts 3, 60 assists to other departments, 70 Brookhaven assists, 9 miscellaneous assists, 1 public relations and 7 9.1.1. calls. 16 alarms, 377 security checks, 2 security violations and 3 alarm warnings. 62 citations, 18 parking tickets, 37 warnings, 22

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accidents, 25 hazardous vehicle complaints, 16 assists to motorists and 10 impounds. Chief Kurten said he had a departmental meeting with all officers to get the officers together. Also had a photo taken for the 2020 Borough Calendar.

PUBLIC DISCUSSION – None other than on the Proposed 2020 Budget discussed above.

Brookhaven Business & Professional Assn. Report – Mr. Sredenschek from Bryn Mawr Trust Bank was present but had no report.

SCHOOL BOARD REPORT - Mrs. Ford was unable to attend.

FIRE CHIEF’S REPORT – Chief Montella

For the month of October, Chief Montella reported the following statistics: 0 Fire Incidents, 26 Non-Fire Incidents, 22 Mutual Aids and 4 Drills. There were no losses to structures, contents, vehicles but \$200,000 worth of property was endangered. No firefighter or civilian injuries or deaths. The Manpower Report shows that on the 52 calls for the month there was an average of 14 firefighters participating. On the 4 training sessions an average of 26 firefighters participated for 170 hours. Brookhaven Fire Company (BFC) responded to the following incidents in Brookhaven Borough-8 gas odor investigations on October 25 throughout the borough, elevator rescue at 5000 Hilltop Drive, 3 accidents at the following locations: 3400 Edgmont Avenue, 3520 Edgmont Avenue and West Brookhaven Road at Bridgewater Road. Also a car drove into Chili’s front window. BFC assisted Chester Township Fire Company on a building fire on Rainer Road in Toby Farms, building fire at Alloy Surfaces on Commerce Drive in Aston and a building fire at Pyromet on Commerce Drive in Aston. BFC assisted Upland Fire Company on a building fire at 501 Upland Avenue and a vehicle fire on McClintock Drive. Assisted Rocky Run Fire Company on a building fire at Riddle Village. Assisted Chester Fire Department with covering the city while they operated a building fire on Hancock Street; Brookhaven Fire Company’s monthly training involved SCBA training, Truck Company Operations, Ladder Class as well as Ladder Search and Rescue. The fire company submitted 2019 paperwork AFG Federal Grant for 37 new SCBAS at a projected cost of \$300,000.00. Also submitted paperwork for the Pennsylvania Fire/EMS Grant from the Commonwealth of Pennsylvania Grant Program. Brookhaven Fire Company just received its ISO Public Protection Classification Rating of #4. The October Ambulance Report shows 95 transports, 21 Medical Refusals, 5 Dead on Arrivals, 4 Lift Assists. 12 turnarounds enroute for a total of 146 calls. There were 5 second emergency calls. Broken Down Brookhaven – 52 had 67 calls. Assists Chester Township – Company 472; Chester City 81/82/100 25; Media 23 – 13; Middletown Township 50 – 8; Nether Providence 51/65 4; Parkside 45 – 9; Rocky Run 46 – 1 and Upland 57 – 6.

SOLICITOR’S REPORT – Mr. Stone

123 East Brookhaven Road – The Borough’s Motion for Default Judgment against the property owners remains pending with the Court. When the Court rules on the Motion, Solicitor Stone will provide an update. We will wait and see what happens. Mr. Hampton said he took photographs today.

4209-4213 Edgmont Avenue (Carman’s) – The Borough’s Petition for the Appointment of a Conservator has been granted and Bastogne Development Partners has been appointed Conservator. Bastogne accessed and secured the property under the supervision of our Police Department on Friday, October 18th. Bastogne will now prepare a Final Plan for Rehabilitation of the Property, which must then be submitted for Court approval before work begins. The Borough’s Building Code Official has determined that the

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property is unsafe and has recommended that entry be prohibited and the power to the property be disconnected.

Opioid Class Action – The Borough has received a notice of a Class Action matter pending in Federal Court in Ohio against the companies that developed, marketed, and sold opioid drugs. If we take no action, the Borough will automatically remain in the Class and be bound by any settlement reached by the parties and approved by the Court. If the Borough wants to opt-out of the Class and pursue our own claims individually, we must take action by November 22nd. Unless Mr. Stone receives instruction to the contrary, he will assume the Borough desires to remain in the Class.

Contract with E-Collect – Mr. Stone reviewed the draft contract with E-Collect for the collection of the Borough’s Mercantile and Business Privilege Taxes. He submitted proposed revisions to Mr. Hill via email on October 15th and he has agreed to his requested changes. Solicitor Stone attached the revised draft contract to his report for Council’s review. Ms. Sawicki made the motion to accept the agreed to requested changes. Mr. Heller made the second. Motion carried by unanimous vote.

The subject of the debris, metal and other materials at 3607 Victor Avenue was brought up. Mr. Heller made the motion and Mrs. Fooks the second to have Solicitor Stone take action to gather information. Motion carried by unanimous vote.

MINUTES APPROVAL

Mr. Heller made the motion and Ms. Leslie the second to approve the October 6, 2019 Council Meeting Minutes. Motion carried by unanimous vote.

Ms. Leslie made the motion and Mr. Heller the second to approve the September 30, 2019 Council Workshop Minutes. Motion carried by unanimous vote.

MAYOR’S REPORT – Mayor Hess

Mayor Hess said take a good look at all the candidates on the ballot when you go to vote tomorrow.

PRESIDENT PRO-TEM, CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND INSURANCE COMMITTEE, MEMBER LONG RANGE DEVELOPMENT AND COMPREHENSIVE PLANS, MEMBER FIRE COMMITTEE AND CHAIRMAN GRANT COMMITTEE – Ms. Sawicki

Ms. Sawicki presented the Bill for Approval. She added \$3,930.88 for something and \$700 for software for Mr. LaPera. Ms. Sawicki made the motion and Mr. Heller the second to approve the bill list with the two additions. Motion carried by unanimous vote.

Ms. Sawicki said the vote on the budget will be on the 16th of December with public review from December 7 through 16. The meeting on the 16th is a Special Budget Meeting.

CHAIR TECHNOLOGY AND COMMUNICATION COMMITTEE, CHAIR BOARD OF HEALTH. LIAISON TO CIVIL SERVICE COMMISSION, CHAIR HISTORICAL COMMITTEE AND MEMBER POLICE COMMITTEE - Mr. Heller

Mr. Heller said the next meeting of the Technology and Communication Committee is on November 20 at 7:00 PM.

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PLANNING COMMISSION LIAISON, CONDO ASSOCIATION CHAIRMAN, FIRE COMMITTEE MEMBER AND HISTORICAL COMMITTEE MEMBER – Mr. Pappas

Mr. Pappas said the Planning Commission did not meet last month. There is nothing on their agenda.

BUSINESS AND REVITALIZATION COORDINATOR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, MEMBER LONG TERM AND COMPREHENSIVE PLANS, SCHOOL BOARD LIAISON, CHAIR TECHNOLOGY COMMITTEE, CHAIR GRANT COMMITTEE – Mrs. Fooks

Mrs. Fooks said the next Ordinance Committee Meeting is scheduled for Thursday, November 21 at 6:30 PM.

There was nothing to report on Business Revitalization except Chick-fil-A will be opening in early December.

The Tech Committee continues to work with the Pennsylvania State Association of Boroughs for their new web-site. They are currently building it and will pull information over to the new site. The Minutes for the 2019 Council and Workshop

Chester Water Authority has approached her and asked her to be the liaison for the borough.

Providence Animal Center will be here on May 19, 2020 for the chip/vaccination clinic. Flyers will be made once the clinic gets closer.

VICE PRESIDENT OF COUNCIL, CHAIR LONG RANGE AND COMPREHENSIVE PLANS, MEMBER GRANT COMMITTEE, LIAISON TO ZONING HEARING BOARD, LIAISON TO RECREATION COMMITTEE AND CHAIR INSPECTORS – Mr. LaPera

Mr. LaPera said there will be a Zoning Hearing on December 10 to hear the request for a variance to build storage units on East Brookhaven Road.

Mr. LaPera received 1 resume for a new Zoning Hearing Board Member. He will reach out to the man and ask if he wants to be an alternate. We are still looking for resumes or letters of interest until November 7.

The Recreation Board did meet on October 24. Their next meeting will be on November 21 because Thanksgiving falls on the last Thursday of the month.

Continuing his report, Mr. LaPera said he met with a representative from Musco Lighting to get quotes for lights at Sampson Park and Memorial Park. He should have the quotes by the end of this week.

He also met with the fence contractor about putting up a new backstop at Memorial Park's Majors Field. They came up with a specification and layout and Mr. LaPera will send it to 3 or 4 contractors.

The following events are on the horizon: November 15 at 7:30 PM Murder Mystery Dinner—The Murder of OZ. \$85.00 per couple or \$45 per person which includes a buffet dinner. Tickets can be purchased from Recreation Board Members or at the front office. On Sunday, December 8 will be the Senior Luncheon at 1:00 PM which is free to Brookhaven residents. Sign-ups will begin soon. That evening at 6:00 PM will be the Tree Lighting Ceremony, pictures with Santa and Coebourn Elementary School's chorus will sing. Please bring an unwrapped gift for Toys for Tots. Light refreshments will be served. Horse and Carriage

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Rides will be provided at a nominal fee.

Trunk or Treat was very successful. There were 300 children and 50-60 Trunk or Treat vehicles.

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

Ms. Leslie said that at the last Shredding Event 5,200 pounds of paper was shredded. She has not gotten the numbers for electronics yet.

The Veterans: Day Service is Saturday, November 9 at 10:00 AM in the gym.

The next Police Committee Meeting is scheduled for November 6 at 6:30 PM and the next Fire Committee Meeting is scheduled for November 7 at 6:30 PM at the firehouse. She is checking to see when the trash/recycling will be picked up for Christmas and New Years. Mrs. McKinley said she was told it would be on Thursday.

ENGINEER'S REPORT – Mrs. Mulvena

Mrs. Mulvena said there are some storm sewer inlets that need to be repaired. The one on Whitely Road has a culvert and is in bad shape. She will get more information

There is a dark area on Coebourn Boulevard. Ms. Sawicki made the motion and Mrs. Fooks the second to spend \$1,146.00 to correct this dark area.

Mrs. Mulvena said she will have a meeting about the short length of the light at Edgmont/Coebourn/Cambridge for the vehicles to get through.

Mrs. Mulvena's October 28, 2019 Engineer's Report for the November 4, 2019 Meeting is attached to these Minutes.

Mrs. Mulvena recommended Council's approval of the trash and Recycling Bid of Creative Waste Solutions—B&L Disposal for a 3 year contract in the amount of \$1,323,043.65 effective January 1, 2020. Ms. Leslie made the motion and Mrs. Fooks the second. Motion carried by unanimous vote.

Mrs. Mulvena recommended Council's approval of the purchase and delivery of De-icing salt as follows: Supplier #1 Mid Atlantic Salt at a Unit price of \$57.00 per ton delivered to the Borough for a total of \$14,250.00 and Cargill Salt at \$58.36 per ton delivered to the Borough for a total of \$14,590.00. Mr. LaPera made the motion and Mr. Heller the second. Motion carried by unanimous vote.

29 people have signed up for lids for trash cans. They will cost \$4.21 each. Ms. Sawicki made the motion and Mr. Heller the second to purchase 60. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Mr. Heller made the second to spend \$850 to put rain gutters on the police shed and Mr. Swayngim's shed. The installation will be done by the gutter people.

Mrs. Hayter put together a letter to residents on various streets that said the work that necessary on their street will be done over the winter months.

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PRESIDENT OF COUNCIL, CHAIRMAN PUBLIC WORKS AND BUILDING, HOLIDAY PARADE LIAISON, MEMBER OF POLICE COMMITTEE – Mr. Donaway

Mr. Donaway read the Public Works Report for October.

Mr. Donaway said most everyone in Hilltop C Building is back in now. Hopefully they all will be back in by Thanksgiving.

He announced that an Executive Session was held prior to this meeting.

The Holiday Parade is still open for groups to participate. It's the same route as last year.

The Public Works Department is short one man or woman. Three applicants submitted resumes. Gary Thompson was present for the interviews. It is Gary Thompson's recommendation to hire Sean Guthrie who has expertise in welding which will help especially during snow plowing season when the plows break, can make auto and truck repairs as well as repairing other equipment at an hourly wage of \$22 and a 30 day probation period. Motion carried by Roll Call Vote of Council as follows: Mrs. Fooks she is opposed, Mr. Heller said he was opposed, Mr. LaPera said yes, Ms. Leslie said no, Mr. Pappas said yes, Ms. Sawicki said yes and Mr. Donaway said yes. Chuck Mathues, 206 West Forrestview Avenue asked if Mr. Guthrie is plowing snow and leaves, then what is the policy? Mr. Donaway said that is being determined. He also said his goal is to get help and we need it now. We had one person in the department and we did an interview.

INSPECTOR'S REPORTS

FIRE MARSHAL – Mr. Leslie

Mr. Leslie said Temporary Certificates of Occupancy have been issued for Building C at Hilltop.

Chick-fil-A will be turned over to the new people on December 4th or 5th.

Mr. Leslie said any calls involving him should come directly from the individual, not via Mrs. Hayter.

Mr. LaPera asked about an exposed pipe. Mr. Leslie said they will be doing down 16'.

Wendy's has changed hands. They have a new owner.

Regarding the Victor Avenue hoarding situation, Mr. Leslie can't find any ordinances against hoarding Mr. Stone said just on the exterior.

The Borough received a 5% discount for our Workplace Safety Committee's dedication to safety.

ZONING OFFICER – Mr. Hampton

Mr. Hampton said he has issued 14 permits.

The old WAWA is in Mr. Catania's hands. They need architectural drawings.

Freddy's will give discounts on Veterans' Day.

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No other inspectors were present or had reports.

PUBLIC DISCUSSION – None

OTHER DISCUSSION

Mrs. Fooks said she wants quarterly reports from E-Collect.

Ms. Sawicki said that from December 2 through 13, public input will be received on the proposed 2020 Budget.

There being no other business to come before Council, Ms. Leslie made the motion and Mrs. Fooks the second to adjourn. Motion carried by unanimous vote.

Respectfully Submitted
BROOKHAVEN BOROUGH

Mary Ellen McKinley
Borough Secretary