

MINUTES
BROOKHAVEN BOROUGH COUNCIL
MONDAY, OCTOBER 24, 2011
WORKSHOP
7:00 PM

At 7:00 PM Council President Wilwert called the meeting to order. The meeting was held in Council Chambers at the Brookhaven Municipal Center.

The record shows the following people seated at the Council Table: Mr. Linowski, Ms. Sawicki, Mrs. McKinley, Mr. Wilwert, Ms. MacKenzie from Beatty Lincke, Mrs. Erickson, Mayor Hess, and Mr. McCray. Mr. Donaway was absent because of his employment and Ms. Leslie is on vacation. Mrs. Mulvena from Walton, Mulvena & Associates arrived late.

PUBLIC DISCUSSION

Because the Borough Engineer had not arrived yet, Mr. Wilwert asked Mr. Scarino from 4112 North Gray Street if he would hold the business he wished to bring before Council until Mrs. Mulvena arrived. Mr. and Mrs. Scarino had written Council a letter concerning ground water getting into their home. The letter was included in everyone's meeting pack that was distributed on October 21. He agreed to wait.

SOLICITOR'S REPORT – Ms. MacKenzie

Ms. MacKenzie said she had nothing to report on tonight but on the 9th of November she will recommend a motion to adopt the updated DELCORA Rules and Regulations Ordinance and the Tapping Fee Ordinance which will have been properly advertised for adoption. She said she will also have something back from Spectra Energy regarding the Temporary Workspace Permit.

FINANCE COMMITTEE, FIRE COMMITTEE CHAIR, POLICE COMMITTEE CHAIR, CIVIL SERVICE LIAISON AND CLOCK/SIGN COMMITTEE LIAISON – Ms. Sawicki

Ms. Sawicki said the Bills for Approval List presented this evening will be updated for approval at the November 9 Council Meeting.

Regarding the refinancing of the Borough Building Bond, we have put our application in and are waiting to hear from the finance authority. She said she should have more information at the November 9 Council Meeting.

On November 9, Ms. Sawicki said she will present the Proposed 2012 budgets to Council. She will read them for the first time that evening. It is expected that they will be adopted at the December Council Meeting.

Ms. Sawicki showed all present the design for the bricks at the Clock/Sign that Karen Dauber gave her. Courtesy of Ron Jackson, a contractor from Brookhaven, the bricks will be installed at no cost to the Borough, as soon as the ground becomes unsaturated. It's too wet to do anything right now.

MAYOR'S REPORT – Mayor Hess had nothing to report on tonight.

COUNCIL REPORTS

ARBOR/SHADE TREE CHAIR, EMERGENCY MANAGEMENT ADMINISTRATION CHAIR, AND VETERANS' GROUPS – Ms. Leslie is on vacation.

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

Mr. McCray announced that the Holiday Tree Lighting Ceremony will be Sunday, December 4 at 6:00 PM. Also on that day will be the Senior Holiday Luncheon for Brookhaven residents 62 or older. Luncheon begins at 1:00 PM and one must have a ticket to be admitted. Distribution begins the first week in November during normal business hours.

Mr. McCray asked everyone to drive extremely carefully, especially on Halloween, October 31.

COMPREHENSIVE PLANS, PLANNING LIAISON, LONG RANGE DEVELOPMENT, CONDO ASSOCIATION CHAIR, AND HOLIDAY PARADE – Mr. Donaway was absent because of his employment.

BUSINESS SUPPORT AND DEVELOPMENT, POLICE COMMITTEE, INSPECTORS DIRECTOR, HEALTH INSPECTOR DIRECTOR AND CHAIR HEALTH/PUBLIC SAFETY – Mrs. Erickson

Mrs. Erickson announced that Mrs. Warfield, Mrs. Elmer and Mr. Swayngim are working on providing cooked holiday meals to Borough residents in need. Please call Mrs. Elmer at 610 872 8191 leaving your name, address and phone number if you or you know of someone who can use this holiday help.

The roof/bat problem at 5200 Hilltop Drive RB-5 that Ms. Lucille Launer spoke to Council about at the August 22 Workshop has been resolved. The roof has been fixed and the bat problem has been abated.

Charles Leslie attended a class on child abuse. Mrs. Erickson suggests that Mayor Hess give information on this class to Chief Eller.

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

Mr. Linowski said that he has given Ms. MacKenzie from Beatty Lincke updates for the Trash/Recycling Ordinance. He is still looking for input on this and thanked Mrs. McKinley for suggestions she provided.

The proposed amendments to Section 208—the Fee Schedule were distributed several weeks ago. Fees have not been raised since 2000. Mr. Linowski said he has received no input from anyone. Please get your suggestions to him in writing before the Council Meeting on November 9 or he is going to turn it over as is to the Solicitor to be reviewed and finalized. Ms. MacKenzie suggested that our UCC 3rd Party Inspector also review the proposed fee schedule. Mayor Hess disagrees with

the proposed changes.

PRESENTATION TO COUNCIL

Mrs. Mulvena recently arrived so Mr. Wilwert asked Mr. Scarino from 4112 North Gray to address Council. He said water is seeping into the walls of his home. Mr. Scarino said he and his wife have lived in the Borough for 24 years. On numerous occasions the intersection of North Gray and Melvin Drive has flooded. His neighbors have told him the condition existed prior to him moving to his home. He said there is a storm drain that runs under Melvin Drive. There is a larger section of drain that flows into a smaller one which creates a funnel effect causing the water to overflow into the intersection. Over the past 24 years, this has happened at least a dozen times, each time resulting in 2.5 feet to 3.5 feet of water to flow up against both the front and side of his home which faces the street. So far in 2011, it has happened 3 times. In the past they have sustained damage to their personal property and the Borough has responded by paying for their losses. This year, after the third occurrence, the rug in his family room was damaged as the result of the water reaching a height of 33 inches at the front of his home, seeping through the exterior wall. Upon closer inspection Mr. and Mrs. Scarino discovered mold on both the floor and the wall facing Melvin Drive. He fears that this flooding is going to cause damage to the structure of his home. Mr. Scarino said the Borough has been aware of this condition for over 25 years and he thinks it is time to correct the problem before serious health issues develop because the storm water is mixing with raw sewage which is also backing up into the intersection. He feels it is the Borough's responsibility to remedy the situation. If the Borough can't do it he would like to know who can so he will be able to go talk to them. Mrs. Mulvena said there are definitely some things the Borough can do to mitigate the problem. The Borough would have to budget for a storm sewer construction project. They would have to start upstream from the intersection and hold the water until it can go into the storm water system. Maybe it can be done in phases. This intersection is not the only one in Brookhaven where there are problems. Creek Road is also a problem area. Mr. Wilwert said that there have also been problems at Swiftwater Lane at Trimble Boulevard and Victor Avenue at Trimble but the homes at these intersections sit higher than at the North Gray/Melvin Drive intersection. Mr. Wilwert said he will ask Mr. Walton to schedule a mutually acceptable time to come to the Scarino home. The storm sewers that were installed in the area of 4100 North Gray and 4104 North Gray were discussed. They have been there for about 30-35 years. One of the neighbors on Melvin has given the Borough to come on to her property but the other neighbor on Melvin who installed a shed on the manhole in the back yard has stopped talking to us when we notified about the shed on the manhole. Mrs. Mulvena suggested getting an easement from the school to make a facility to hold water. This project could cost between \$250,000-\$300,000. Mr. Scarino asked if there were any grants available. Mrs. Mulvena said no, not for stormwater. Mrs. Mulvena said some homes on Shepherd Street need help with water problems too. Mr. Scarino said "you have to start sometime". Mr. Wilwert asked Mr. Scarino if he had filled out a Hurricane Irene Initial Damage Report Workshop for the County. He said he didn't know about it. Mrs. McKinley said she would e-mail it to him and after he completed it would e-mail it to the County. She suggested he put a copy of his letter to Council with it and any other information on his loss he would like to provide to the County.

ENGINEER'S REPORT – Mrs. Mulvena

Mrs. Mulvena said she would like to have authorization for the Solicitor to amend the sewer ordinance to require grease trap maintenance. If it is ready, she would like to have authorization for the Solicitor to advertise it for adoption.

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There was a stop sign request for the intersection of Chandler Drive at Melvin Drive. It appears the request for the sign was to slow down traffic. This is not an approved use for stop signs. A review of traffic incidents provided by the Chief of Police indicates only one incident at that intersection but the incident wasn't described.

Mrs. Mulvena spoke about the Delaware County Municipal Pollution Group Pollution Liability Insurance Program and asked if the Borough was enrolled in it. Ms. Sawicki said yes.

Regarding a future paving project, Mrs. Mulvena said County Aid Money will be used. They are trying to get the approval of PennDOT for this paving project.

The cooling tower at the Municipal Center is being installed now.

Mr. Donaway and Mrs. Mulvena recently met with Betty Kelley and two people from Traditions at Ridley Creek who publish the TRC Newsletter. The TRC Board does not want a newsletter to go out. Mr. Donaway is suggesting that the Borough send a one page letter out to each homeowner in TRC to address such concerns as trash dumpsters, the gate. Also included in the letter should be the e-mail address to which the individual homeowners can send warranty matters. Mrs. Mulvena said that the trash trucks are not permitted to drive over the pavers that cover the pipeline easement. Mr. Linowski said there were 2 men and 10 women at the meeting with the TRC Board. He asked how many people could not lift the lid on the dumpster. All 12 people said they could do it. Mr. Linowski said the Homeowners' Association Manager is "horrible". The Borough is getting the blame for problems over which we have no control. Mr. Wilwert asked if the residents dislike their Board. Mayor Hess said their Board is doing the best they can. Mrs. Mulvena said the Board is not sending information out to the residents. Mr. Wilwert said he agrees to send out the letter but only one time. Mrs. Mulvena said there are only 11 site problems in the whole over 200 page document. Mr. Feindt said he will check to see if final State Inspection was done. Ms. MacKenzie said that the homeowner's failure to read their documents is not our problem.

Regarding Flood Insurance FEMA provides for insurance coverage to those properties in the floodplain. It provides for up to \$30,000 to assist homeowners in bringing their properties up to code. However, it requires that the Borough's floodplain management ordinance address repetitive loss structures. The DCED suggested ordinance adopted in 2009 only addressed substantially damaged structures. Mrs. Mulvena suggested that Council authorize the amendment to the Borough's Floodplain Management Ordinance to add the sections relevant to repetitive loss structures.

INSPECTORS' REPORTS

ZONING – Mr. Hampton

Mr. Hampton said that the Brookhaven Farmers Market on the corner of Edgmont Avenue and East Brookhaven Road has been sold. The new owner wants to buy the Ward property on East Brookhaven Road, demolish it and make that into a stone parking lot. Ms. MacKenzie said we may need a reverse sub-division. Mr. Hampton said there are all pre-existing conditions and he has issued a Zoning permit for a Tobacco Store. Mrs. Warfield asked if it was a discount tobacco store. Mr. Hampton said he didn't know.

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BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield said she received notice today that there will be two free flu shot clinics for Delaware County residents. The first one is October 27 at the Tinicum Township Fire Company from 10:00 AM – 2:00 PM for ages 4 and over. The second one is on October 28 from 1:00 – 4:00 PM at the Delaware County Government Center Building. This for individuals 18 and older.

Partyland in the Brookhaven Shopping Center has been vacated and is “trashed inside”. Who is responsible to clean it up. Mr. Linowski said it is the landlord’s responsibility. Pep Boys actually is the landlord. Fire Marshal Leslie will talk to the landlord.

China Buffet in Plaza 352 has a sign on the door that they are closed for renovations, although it appears nothing is being done inside.

Mrs. Warfield is going for more training from the PA Department of Agriculture. There is a “54 point form” that she has to complete on-site when she is doing an inspection.

Mr. Linowski thanked Mrs. Warfield for the time and effort spent on the dilapidated home on Creek Road. He said she was relentless in her quest to get the situation resolved.

Mrs. Warfield said the Food Safety Class for Volunteers was well attended.

Mr. Wilwert told Mrs. Warfield that “Steve G.” will be setting up her wireless connection. Mr. Wilwert said he could do it himself but because it is interacting with our network, it would be best if Steve does it. This connection will definitely be installed in the Inspectors’ Room.

FIRE MARSHAL – Mr. Leslie

The Franklin Mint Credit Union in Brookhaven Shopping Center (formerly Sentry Bank) called Mr. Leslie to open their Knox Box so the new keys could be placed in it.

The topic of open burning in the Borough was discussed at length. Ms. MacKenzie explained that there is no open burning of trash, rubbish, yard waste and things like that but our existing ordinance does not cover “recreational burning”, e.g., small covered fire pits. Mr. Leslie would prefer there be no open burning at all.

Mr. Leslie said there are a lot of hoarders in the Borough. If and when they are found, please notify the fire company for safety reasons.

Mr. Leslie continued his report by saying he does not turn utilities back on after they have been shut off because of a fire, flood, etc.

He continued his report saying that the Fire Marshal’s vehicle is now in service. It has been painted and looks very nice.

ELECTRICAL, CODE ENFORCEMENT AND PLUMBING – Messrs. Jon and Robert Grant

Jon Grant reported that the new owner of 3408 Victor Avenue does not have clear title to the

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property. He gave them a little more time to demolish the house. There is a “phantom mortgage on the title”.

Mr. Grant said he is continuing to send the owner of 133 Charles Avenue citations.

BUILDING INSPECTOR – Mr. Feindt

A request for a Certificate of Occupancy has been received for the Brookhaven Farmers Market. As far as working at the facility, all the new owner is doing is painting. It has been reported that the property next door is going to be torn down. Mr. Wilwert said they need to send us a package so it can be reviewed. Mr. Feindt asked if he can give a demolition permit to them. Yes. Mrs. Mulvena said if it is commercial, they need a DEP permit. Ms. MacKenzie said when Mr. Feindt gets the request to demolish the Ward Property on East Brookhaven Road; they both need to review it.

Mr. Feindt said Allstate Insurance has moved. They had been next to Swiss Farms and Dollar Tree is arguing with the landlord. Nothing has started at that property.

PRESIDENT’S REPORT – Mr. Wilwert

Mr. Wilwert said be extremely careful driving on Halloween. Town Watch will be out patrolling both Mischief Night and on Halloween.

PUBLIC DISCUSSION

Bill Eppright from Cambridge Road asked why the Borough is paying the engineer to work on dumpsters in a condominium association. There are a lot of things in the condominiums that the condos are responsible for. It is not really the Borough’s job.

Robert Montella, 4823 Shepherd Street said he needs a sink hole on his property checked. Storm water is now standing on his property because the ground is so saturated. He is getting water in his basement now. The system is full. Mr. Walton and Mrs. Mulvena will come to check the situation out. What time is good? Mr. Montella said afternoon or evening is better for him. .

Mike Ruggieri from Roberts Road asked about the variance given to Dollar Tree for their sign. Mr. Hampton said the variance was from 15 square feet to 171.56 because of the design of the sign. Dollar Tree has an 85 foot wide front.

Regarding the storm sewer issue, someone asked if the line has been televised? Mr. Scarino said he does have a map. Before we start going down the road to correct the situation, we should televise that line to make sure there isn’t a more economical way to correct the situation.

Mr. Wilwert said he would like to speak with Chief Montella after the meeting and wished all of the candidates running for election/re-election the best of luck.

Respectfully Submitted,

Mary Ellen McKinley, Borough Secretary