

MINUTES
BROOKHAVEN BOROUGH COUNCIL MEETING
MONDAY, OCTOBER 5, 2020

At 7:00 PM Council President Terry Heller called the regularly scheduled Brookhaven Borough Council 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: Council President Mr. Heller, Councilpersons Ms. Sawicki, Mr. Vazquez, Mrs. Heller, Mrs. Fooks, Mr. Pappas, Engineer Mr. Catania, Solicitor Mr. Wills, Brookhaven Office Manager Mr. Wilwert, Acting Police Chief Zebley, Fire Chief Montella and Fire Marshal Leslie. Ms. Leslie was excused from the meeting and was not present. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

Acting Mayor Council President Heller read the names of the Brookhaven residents who passed away recently: Raymond Tini, Sr., John Sidner, Dr. Charles Hollenbach, Roland Wright, Robert St. Clair and Eileen Gibson. A moment of silence was observed in their memory.

PUBLIC DISCUSSION

There was none.

FIRE CHIEF – ROBERT MONTELLA

Chief Montella said he forwarded his report to Council and reported the following for September, 2020:

- ~ 3 fire incidents
- ~ 19 non fire incidents
- ~ 29 calls for mutual aid
- ~ 6 drills

Total calls of 57 for the month and 490 calls for the year. We had no loss on structure or contents. We had \$1,050,000 property endanger loss and no fire fighter injury for the month and no civilian injury for the month.

Manpower

- ~ 57 calls for the month
- ~ average of 15 fire fighters per call for month
- ~ 737 personnel hours of service for the month
- ~ 5,565 hours for the year
- ~ 6 training sessions for the month; 15,789 fire training hours for the year
- ~ average of 26 fire fighters
- ~ 368 personnel hours of training for the month; 1,947 hours of training for the year

We responded to the following fire incidents:

- ~ 2 building fires at Trimble Run Condos Unit K-11
- ~ 161 Trimble Blvd. which ended up being in outside shrubs
- ~ gas leak inside at Stone Hill Apts. H-22
- ~ CO leak inside Traditions at Ridley Creek Unit 623

We had accidents at the following locations:

- ~ 5075 Edgmont Avenue
- ~ 5000 Edgmont Avenue
- ~ 352 & Whitely Road
- ~ Dutton Mill Road & Creek Road
- ~ Whitely Road & Scola Road
- ~ 352 & Maple Avenue

We assisted:

- ~ Chester Township Fire Department on a building fire at 5 N. Commerce Drive
- ~ Upland Fire Department at a building fire at Crozer Hospital
- ~ Middletown Fire Co. on a building fire on Meadowcroft Lane
- ~ Aston Fire Department on a building fire at Bachman Building at Neumann University
- ~ Garden City Fire Co. on a building fire at 310 Media Parkway
- ~ Chester City Fire Department on building fires at Aron Way and 314 E. 24th Street. Also provided covering city on two working fires

Monthly fire training was Instructor Class on ropes/knots/rigging, flow testing of our hose and nozzles, hose packing attack lines, ladders and victim rescue.

There was no Ambulance Report

Our COVID report was submitted to Council. We have had two positive COVID transports from long term facilities to Riddle and Crozer Hospitals. All of our personnel were notified.

SOLICITOR’S REPORT – MR. JAY WILLS

Mr. Wills reported that he submitted a report to Council but wanted to discuss the following:

Present Mayoral Vacancy – Mayor Hess submitted his letter of resignation on September 24, 2020 as Mayor. The resignation was effective on September 30, 2020. Therefore, pursuant to Robert’s Rules of Order it would be appropriate at this time that the Borough make a motion to accept the Mayor’s resignation with deepest regret. A motion was made to accept Mayor Hess’ resignation as Mayor with deepest regret by Ms. Sawicki and it was seconded by Mrs. Fooks. The motion to accept the resignation was unanimous. Mr. Wills wishes Mayor Hess much success in all his future endeavors.

Slip and Fall Issues – Mr. Wills said he has been involved in a number of slip and fall cases that the Borough has become involved in. Mr. Wills has worked with the Borough’s Insurance Company and the Insurance Company Attorney who has been assigned to the cases to provide defense for both of these cases. Mr. Wills said he remains cautiously optimistic that the Borough will eventually be dismissed as the defendant on both of these cases. Mr. Wills said that in his opinion the Borough does not have any liability in either of these cases.

First Amendment Seminar – Mr. Wills said that he was pleased to present a First Amendment Seminar to the Brookhaven Police Officers at the Municipal Building. It was well attended and the Officers fully understand the issues coming down from some of the most recent Supreme Court rulings on some of the issues that are affecting law enforcement throughout the Commonwealth.

701 Marshall Road – This is a property that has multiple violations of the International Maintenance Property Code. Mr. Wills received photographs earlier today of the property depicting the ill state of the property. He will be attaching the pictures to his pleadings in asking for relief in the Delaware County Court of Common Pleas. Mr. Wills said that he is optimistic that the Borough will be successful in this endeavor.

POLICE CHIEF REPORT – ACTING CHIEF ZEBLEY

Acting Chief Zebley reported the following for September, 2020:

- ~ The Brookhaven Police were assigned 506 CAD assignments through DELCOM.
- ~ 1 Aggravated Assault; 3 simple Assaults; 1 DOA/death investigations; 5 retail thefts; 3 other type thefts; 1 attempted theft; 4 fraud reports, 4 criminal mischiefs; 5 Harassment complaints; 1 Terroristic Threat complaints; 13 suspicious conditions were investigated; 26 disturbances which include domestic complaints; investigated 12 alarms; responded to 10 hazardous conditions; 4 Fire Company assist calls; 22 vehicle accidents; 23 assist other departments; 1 arrest warrant served; 10 adults were arrested; 16 citations were issued or filed; 12 warnings were issued. Total loss to victims for theft amounted to \$4,316. In recovery of stolen items amounts to \$216. We had a couple of protest incidents that went well and were peaceful.
- ~ All officers are utilizing their Personal Protection Equipment and are staying healthy.
- ~ We had 11 applicants that applied and have been interviewed for the position of Part Time Police Officers. 8 applicants have been invited to continue with formal interviews.
- ~ Acting Police Chief Zebley has addressed a few personnel issues to improve patrol and officer safety and efficiency of the department and relations with the community.
- ~ Officer Wetten conducted Fire Arms Qualification Certification and training for Officers Jenkins, Tuttle, August and Eastman.
- ~ Officers Barth, Wetten, Duff and Eastman attended a four day training seminar to enhance skills in interviews, field interviews and deception detection.
- ~ In service training was conducted in September for use of force which includes training in certification with taser, pepper spray and baton. All officers as of now are certified and carry tasers on patrol. Certifications will be completed in October for remaining officers for baton and pepper spray. All officers will have every force option available to them and it will be part of their uniform to carry at all times when on duty.
- ~ Training was conducted with Mr. Wills for the entire department on First Amendment issues and summary offenses. Officer Wetten also attended 16 manhours of training with SWAT. Approximately 200 hours of training was received by the department for our members during the month of September. This also included continuous education training that is required by the State.
- ~ Officers have been enrolled in Active Shooting Training and Rifle Class for the month of October but it has been cancelled due to the virus. There was a Shotgun Development Class scheduled but that has been cancelled due to COVID.

~ The Police Department is going to convert our shot guns to bean bag shells only. This is another “less than lethal” option available to our officers. The bean bag rounds are 12 gage shotgun shells that contains lead pellets and cotton wrapped in a ballistic fire sack. The purpose of the bean bag shell is to deliver an impact comparable to a heavyweight boxer’s punch that will stun or disable a dangerous person in unique danger circumstances. This will add another layer of force available to the officers that are less than lethal. It will also improve public safety and officer’s safety.

~ We have some community relation ideas in the works. We have school back in session starting this week so be careful traveling through school zones.

~ Officer Kyler and Acting Police Chief Zebley attended a Citizen’s Crime Commission on September 30, 2020 where they were awarded Outstanding Police Performance for the entire region for the events in 2019 related to the Walgreen’s robbery.

~ Mr. Vazquez asked if the fire arms training has been rescheduled. The rifle and hand gun development class keeps getting cancelled due to COVID. There are future openings. Mr. Vazquez said he would talk to Acting Chief Zebley about this.

SCHOOL BOARD REPORT - COEBOURN SCHOOL PRINCIPAL – THERESA FORD

Mrs. Ford said that they welcomed back some students today as part of their phased reopening from virtual to hybrid. We welcomed Cohort A today which consisted of Kindergarten to Second Grade Students with the last name beginning with A to K. Tomorrow we will welcome Cohort B back which consisted of Kindergarten to Second Grade Students with the last name beginning with L to Z. Next week the rest of the school will return, Cohort A on Monday and Cohort B on Tuesday. Mrs. Ford said it was a great day and it was great to see the students back in the building. We have all of our safety procedures in place. We spent much time during the summer to be prepared for this day. We will continue these efforts. We are continuing to continue all of our events virtually. We do have students that are in our Cyber Program and they continue to be part of our Coebourn community. We will not have any large in-person events. Mr. Heller asked what percentage of students are in the Cyber Program. Mrs. Ford said it is a small percent. Mrs. Ford said to follow all the events on Twitter.

VICE PRESIDENT OF COUNCIL, CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING/TRASH COMMITTEE, MEMBER FIRE COMMITTEE, CO-CHAIR VETERANS’ COMMITTEE, AND MEMBER POLICE COMMITTEE – MS. LESLIE

Ms. Leslie was not present and Mr. Heller gave the following report for her:

~ There will be a shredding event on Saturday, October 24, 2020 from 9 am to Noon at the Municipal Center parking lot. There will be no electronics accepted until further notice.

~ Reminder about hot loads for trash. The information for this is posted on the website. All Chemo patients must separate all body fluids from the rest of the trash. It must be put outdoors in a separate container for a week before it can be disposed of.

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 reported that we have advertised the special meeting to appoint the new Mayor. This will take place on Wednesday, October 14, 2020 at 7 pm in the Brookhaven Municipal Gymnasium. The meeting is open to the public with social distancing guidelines in place.

We have three Executive Sessions to announce:

September 15, September 20 and September 22, 2020. These were Personnel Meetings and were from 6:30 to 8:30 pm,

All three candidates for the Mayoral position have been interviewed yesterday (October 4, 2020) from 3 pm to 4:30 pm.

Mr. Heller asked for a motion to approve the September 14, 2020 Brookhaven Council Meeting Minutes. A motion was made by Mr. Vazquez and it was seconded by Mrs. Fooks. The motion was unanimous.

Mr. Heller asked for a motion to remove the President of the Brookhaven Rec Board For Cause. A motion was made by Mr. Vazquez and it was seconded by Mrs. Heller. The motion was not unanimous. Mr. Wilwert took the Roll Call and it was as follows: Mrs. Fooks – No; Mrs. Heller – Aye; Mr. Heller – Aye; Mr. Pappas – Aye; Ms. Sawicki – Aye; Mr. Vazquez – Aye. The motion was carried by a vote of 5 to 1. Mr. Heller said to note that this individual is removed altogether from the Rec Board. This is not a demotion or a strip of title but a removal from the Board.

PRESIDENT PRO-TEM, 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 said there are bills that have to be paid for October. For October the General Fund total is \$42,090.42; the Road Fund is \$131,715.03; the Sewer Fund is \$9,257.43. A motion to pay the bills this evening was made by Mrs. Heller and it was seconded by Mr. Vazquez. The motion was unanimous.

Ms. Sawicki said we were notified by the Borough of Parkside that they would like to purchase salt from us during the winter months. Ms. Sawicki made a motion to allow the Borough of Parkside to purchase our salt from the Borough at the cost that we purchased it. Mr. Vazquez seconded the motion. It was unanimous.

Ms. Sawicki said the Borough is going to be moving some offices and in order to do that, we received a quote from Mack Flooring for a bid of \$7,550 for carpeting for the offices. Ms. Sawicki made the motion to accept the bid of \$7,550 for carpeting from Mack Flooring and it was seconded by Mrs. Fooks. The motion was unanimous. Mr. Heller said that we are moving the Treasurer's Office to the current Council President's Office/Office Manager's Office and we are moving the Office Manager to the Treasurer's Office and combining the Council President and Mayor's Office. The old carpeting is 21 years old.

Ms. Sawicki said that she, Mrs. McDade, Mr. Catania and Mr. Wilwert are going to be meeting with Public Works next week to go through the Preliminary Changes they need for next year's budget. There will be an Interim Organization Meeting the following week with the Budget Committee to try to get the budget in organized shape in order to present it to Council in November. Mrs. Heller asked when the budget proposals have to be submitted for next year's budget. Ms. Sawicki asked to get it in ASAP.

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 reported that there was a Work Place Safety Meeting on September 29, 2020. Our custodian is still sanitizing the access areas on a daily use; he has also installed two mounted temperature devices on the wall at different places at public access to the Borough building. This takes temperatures as people go into the building without any touching.

The Public Works Department talked about the lock change and security in some of the buildings. The buildings are located at the parks and will be coordinated with Mrs. Heller for the upcoming season for the winterization program.

Three of the employees completed a two hour on line service training for swift water awareness. This was in connection with the Fire Chief.

Mr. Wilwert acquired new ID Forms for employees who are hurt as a result of Workman Compensation Claims. This is also extended to the Firefighters that are hurt on official business.

Mr. Pappas reported that no vehicles that were owned by the Borough were involved in any accidents.

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

Mrs. Heller asked for a motion to add Robert Walters to the Rec Board. Rob was an alternate but is now being moved up to a member. Mrs. Fooks made the motion to add Robert Walters to the Rec Board as a full member and it was seconded by Mr. Vazquez. The motion was unanimous.

Mrs. Heller asked for a motion to add Mary Ann Dougherty to the Rec Board. Mary Ann was an alternate but is now being moved up to a member. Mrs. Fooks made the motion to add Mary Ann Dougherty to the Rec Board as a full member and it was seconded by Mr. Vazquez. The motion was unanimous.

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, CO-CHAIR TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. FOOKS

Mrs. Fooks reported that the Ordinance Committee met on September 17, 2020. The Welcome Packet will be finalized in mid-October; once it is finalized we will make all the copies and get it out to where it needs to be. We are continuing to work on the Food Truck Ordinance. There will be no Ordinance Committee meeting in October.

The Tech Committee will meet on October 8, 2020.

The Trunk or Treat Event will be held on October 31, 2020 from 3 to 5 pm at the Coebourn School Parking Lot. This is for Brookhaven Borough children 12 and under. It will be a drive-through this year. Please send in requests to Mike Garvey at web 19013@aol.com. Please include full name of child(ren), name of adult, address, make and model of the car and the plate number. One family per car and registration ends on October 16, 2020. All child(ren) should be in costume. We are accepting donations of candy for this event; if you are able to donate candy, there is a bin for this at Brookhaven Municipal Building. Please feel free to go there during normal business hours and drop off the candy. If you cannot go during regular business hours, contact Mike Garvey at the above email.

The Rec Board will reorganize at their next meeting on October 29, 2020. If anyone is interested in becoming an alternate, please send your resume to Borough Hall, care of the Recreation Board.

Brookhaven will have its Holiday Parade on November 21, 2020. Due to COVID-19, it will be scaled back. Please look for more information to come.

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

Mr. Vazquez reported the following:

~ The sewer jet trailer should be arriving next week. The Public Works Department will be receiving training from the vendor as to how to use the machine.

We have a few sinkholes:

- ~ 220 Morris Avenue – Public Works dye tested it and it was on the homeowner.
- ~ 302 Scola Road – Public Works dye tested it and we have no results as of yet.
- ~ Whitely Road – sinkhole was inspected and reports were forwarded to Mr. Catania.

~ we inspected the head wall at the Borough Municipal Center retention basin at Cambridge Road. It was reported to Mr. Catania. There is a crack in the center and it was fixed by Public Works.

Parks

- ~ Scoreboard at Samson Park was completed
- ~ the electrical junction box that was damaged at Durkin Field has been remedied
- ~ normal building checks went on at Memorial, Samson, Durkin and Eaton
- ~ winter maintenance will now start this month for all parks. They will be winterized to make sure there are no leaking issues due to freezing pipes.
- ~ wood chips were installed at Eaton Park and at the playground at Memorial
- ~ one picnic bench was repainted at Eaton Park due to graffiti
- ~ added trash cans to Memorial Park

- ~ we are looking for prices for a shed and batting cages at Durkin Field. This is just exploratory at this time.
- ~ grass cutting and trash removal in the parks is still ongoing
- ~ one swing was repaired at Samson Park
- ~ Public Works planted flowers and mulched at Cambridge Island and put mulch and weeded at the Butterfly Garden and in front of the Municipal Center and the Police Department.
- ~ There was a downed tree that was removed at Dutton Mill and Lincoln Drive
- ~ There was a call to check on a downed tree at Bridgewater Road and it was taken care of
- ~ Public Works went out and checked for weeds and brush growing in the streets at Hilltop and Forestview Road. That issue was addressed.
- ~ Public Works pumped out the water pit at the Municipal Center due to the request of our Custodian
- ~ There was a demonstration for a bucket truck for the Borough to utilize to help with tree cutting, gutter cleaning, etc. Two of the employees attended this demonstration along with Mr. Heller and Mr. Pappas to see what the possibilities for the Borough could be if we had this truck in our fleet. Talks are still going on if we will move forward with this.
- ~ six potholes were filled and 4 bags were used at 145 pounds. The total year to date is 80 bags with 4000 pounds
- ~ There were 14 new street sign designations; there were six new traffic safety signs that were added.
- ~ Storm drainage sewers were cleaned throughout the Borough
- ~ Public Works fixed wooden railings around the bar screen; installed and repaired banners; delivered five recycling cans to residents, answered 21 PA1 call tickets. The year to date is 555 PA1 call tickets.
- ~ The tree and branch limb collection has started; please call the Municipal Center to have the Public Works team to come out and collect them
- ~ We are looking for two seasonal employees for leaf collection and potential of snow removal. If interested, please send resume to Municipal Center.

Zoning

There was no Zoning Hearing Board Meeting this month. We have one vacancy on the Board that we would like to post in the Spirit. Mr. Vazquez asked for a motion to post this opening in the Spirit this week. A motion was made by Ms. Sawicki and it was seconded by Mrs. Fooks.

Mr. Vazquez wanted to thank Mr. Matt Stone for helping out the Zoning Hearing Board for taking the role by basically being there in person to interpret what the Zoning Hearing Board would wish to be done in person. The Zoning Board members are not comfortable with meeting in person for the meetings due to COVID. Mr. Heller said it should be noted that Mr. Stone did this service free of charge. Mr. Vazquez said that the Borough was very appreciative of this and thanked Mr. Stone.

ENGINEER'S REPORT – MR. CATANIA

Mr. Catania submitted his written report but wanted to discuss the following:

PECO Green Region Grant – this is a grant that is provided by PECO Energy. It is a \$10,000 grant requiring an equal match from the Borough for passive recreation. Mr. Catania asked for Council's authorization to submit the application for this grant and to select a project to apply for the grant.

Two projects were mentioned at the September Workshop meeting; one was for the walking trail behind the property at Durkin Park and one was for the improvement of the new park at Arlington Avenue. Ms. Sawicki wanted to talk about the issue of passive recreation. She said that about one year ago it was discussed that there were pockets of land that we own in the Borough which we could make little parcels of recreation. We did discuss this a few years ago at Council that we own the lot at Arlington Avenue so we were going to put boxwoods around the perimeter; we have two benches at the Borough garage and we want to put some shade trees and azaleas there for shade so that people can sit down while walking. Ms. Sawicki said she will explore the addresses and give it to Mr. Catania so maybe we can apply for this grant at that location. A motion for Council to approve the authorization to submit the application for this Grant was made by Mr. Vazquez and it was seconded by Ms. Sawicki. The motion was unanimous.

Mr. Catania said that the Borough was notified by the DEP of some Chapter 94 violations at the Sewage Treatment Plant. We are in the process of gathering information; we are required to submit an Action Plan within 90 days of the notification. We have a meeting with the contract operator and one of our consultants on October 8, 2020 to get a plan in place.

FIRE MARSHALL – MR. LESLIE

Mr. Leslie reported that CO inspections are ongoing. Fire Prevention material was ordered and will be delivered this week. We will be distributing the material to the children at the Trunk or Treat.

BOARD OF HEALTH

There was no report.

ZONING OFFICER – MR. HAMPTON

There was no report.

OTHER NEWS

Mr. Heller said that we had an Executive Session scheduled for this evening after the meeting tonight. That meeting has been cancelled. We will consolidate that into a meeting next week. It was a meeting to discuss the bucket truck.

Mr. Heller said it was discussed to attempt in-person meetings starting possibly with the October Workshop Meeting which is October 26, 2020 in the gymnasium. We will see how next week's swearing of the Mayor takes place. This assumes that local COVID cases stays low. If anyone objects, please let Mr. Heller know before the meeting.

PUBLIC DISCUSSION

Tom Dykes, W. Brookhaven Road, asked about the tie-ins that were done for the project at 315 W. Brookhaven Road. Will they be filled in further; right now when one of the trucks goes over the area, it makes his house bounce. Mr. Catania will check it out.

ADJOURNMENT

There was no other business to come before Council. Mr. Vazquez made the motion and it was seconded by Mrs. Heller to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 7:50 pm.

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary

