

MINUTES
BROOKHAVEN BOROUGH COUNCIL MEETING
MONDAY, OCTOBER 7, 2013

At 7:05 PM Council President McCray called the regularly scheduled meeting of Brookhaven Borough Council to Order. He welcomed all present. The meeting was held in the Brookhaven Municipal Center Council Chambers.

The record shows the following people seated at the Council Table: Ms. Leslie, Mrs. Fooks, Mr. Linowski, Council President McCray, Mr. Maddren (Solicitor), Mayor Hess, Police Chief McGoldrick, Mrs. Erickson and Mr. Catania (Engineer). Council members Mr. Wilwert and Mrs. Truesdale and Mrs. McKinley (Secretary) were absent. *(Joan Boyle recorded the minutes for Mrs. McKinley in her absence).*

Mayor Hess asked everyone to stand and recite the Pledge of Allegiance. Mayor Hess asked for a moment of silence as he read the following names of our deceased residents for September, 2013: Elizabeth Pankola, Robert Dix, Michele Alonso, Maria Icaro, Nancy Davis, Michael Stasky and Margaret Statter.

POLICE CHIEF'S REPORT – Police Chief McGoldrick said that he wanted to publicly thank Dawn Jones and all the members of the Recreation Board for a wonderful Family Day *(There was a round of applause.)* He jokingly thanked the Mayor for dunking him on the first try and the residents who dunked him while he was in the “dunk tank” and he especially wanted to thank those who did not dunk him! Chief McGoldrick said he wanted to acknowledge John Wilwert and the Brookhaven Town Watch who donated \$500.00 to the Police Vest Fund. Chief McGoldrick reported that Town Watch has always been a big supporter of the Brookhaven Police Department and it is appreciated.

Chief McGoldrick wanted to announce that the Upland Fire Company will house their new fire truck this Saturday (October 12, 2013). The Delaware County Firemen's Association, along with the Upland Fire Company, is having a parade this Saturday to house their new fire truck, Squad 57. Brookhaven Fire Company will be a big part of this event. The Brookhaven Fire Company will push the truck into the garage. Chief McGoldrick said that there will be over 90 fire trucks in the parade and it will be an exiting thing to watch. It will impact Brookhaven a little because the parade will be coming down 11th Street in Upland and will go down Patton Avenue. Residents who live in the 500 or 600 block of Patton or on one of the “water” streets will have a tough time getting out for about an hour but please just bear with them and support them in the parade. The time of the parade will be from 12 noon to 2:30 PM. They should be on Patton Avenue around 1:30 PM to 2 PM.

Chief McGoldrick reported that Aston Police reported that there are people going around to the residents and saying that they represent Direct TV. They have jackets on with that name on it; they tell the residents that they need to get into their home to check the cable. If you see anyone coming around here in Brookhaven, please just call the police or the utility company. Penn Delco School District had three vans stolen today in Aston. Also there have been pick-up trucks stolen in Aston; they are a hot commodity now. There were two motorcycles stolen in Hilltop during the last month. They were not driven away; people are coming and placing the cycles in a pick-up truck. Please be aware of this if you own a motorcycle.

Mayor Hess stated that the Brookhaven Police Officers have done a great job in recent arrests. Chief McGoldrick agreed and said that in one case, Giant Supermarket called the police about a bad check. Through the fingerprints on the check, they arrested the person and also arrested a person who robbed a bank in another county. In the last two months, the police officers have done a great job in solving these crimes. Chief McGoldrick said that we are not CSI, but the officers are doing great. Mayor Hess said that if anyone commits a crime in Brookhaven, they will be doing time.

SCHOOL BOARD REPORT – Mr. Eric Kuminka, Principal of Coebourn Elementary School was absent due to personal business. There was no report.

FIRE CHIEF'S REPORT – Chief Montella reported that for the month of September there were 2 fire incidents, for a total of 25 for the year; there were 11 non-fire incidents, for a total of 105 for the year; there were 22 mutual aid incidents, for a total of 169 for the year; there were 4 drills, for a total of 41 for the year. There was no loss of property, or contents for the month of September; there were no firefighter or civilian injuries for the month of September. Our manpower was 39 calls at an average of 15 firefighters with 630 personnel hours for a total of 4,427 hours for the year. Our training was 4 drills, with an average of 29 firefighters with 203 personnel hours for a total of 2,126 hours for the year. Squad 52 assisted Concordville with a fire on a 2 alarm building fire. Rescue 52 responded to Chester for 2 – 2 alarm building fires, Rescue 52 and Squad 52 responded to an accident at Interstate 95 and Commodore Barry Bridge with entrapment.

This is Fire Prevention Week and we will be at the schools all week. We were at Coebourn School today and will be there during the week and at the day cares this week. We will be at K-Mart for Fire Prevention Day two weeks from this Saturday.

As previously stated, we will be in the parade in Upland this Saturday at 12 noon. The chances for the Turkey Raffle have been mailed out.

Mr. Linowski made a presentation to Chief Montella on behalf of Brookhaven Borough and the 2013 Fire Relief Association for a check in the amount of \$58,972.37.

PUBLIC DISCUSSION – There was none.

SOLICITOR'S REPORT – Mr. Maddren gave an update on Brookhaven Green Estates. The developer has made a request to phase the development. Mr. Maddren emailed Council a plan of the property to highlight the first phase of development and the way that they would do this is that all permits would be through a development agreement, doing one development at a time. Mr. Maddren said that he has been working on this with Council to have it ready to go with maybe one little caveat about schedule of values. Mr. Maddren asked for authorization from Council to enter into this development agreement subject to his final approval; he will work on this with Mr. Catania. Mr. Linowski made a motion. Mrs. Fooks made the second. The motion was not unanimous. A roll call was taken: Mrs. Erickson – Yes; Mrs. Fooks – Yes; Ms. Leslie – Yes; Mr. Linowski – Yes; Mr. McCray – No. The motion was carried by a vote of 4 Yes and 1 No.

Mr. Maddren reported that Mr. Catania sent a letter to the last person that was known working at Pulte about the deficiencies there. A report was sent to the Home Owner's Association. Mr. Maddren will see if Pulte will respond to this; if not, we are going to request that we default Pulte.

FINANCE COMMITTEE, CO-CHAIR VACANCY REVIEW COMMITTEE, POLICE COMMITTEE, CHAIR AND CIVIL SERVICE LIAISON – Mr. Linowski

A. Motion to Approve Bill List for Payment – Mr. Linowski made a motion to approve this list with the exception of one change. We are going to deduct \$925 for the cost of the caterer for the Mystery Dinner Theater. We do not know the cost of this yet so there is no reason for it to be on this month's Bill List. Ms. Leslie made a second. Motion carried by unanimous vote.

B. Other Matters/Updates – Mr. Linowski mentioned that some residents have asked what it would cost the borough to purchase the Chester Water Authority field. Mr. Linowski said that he reported at the September Workshop meeting that this cost would be for Debt Service only; not insurance or any other peripheral things that you have to do with owning property. This would cost the taxpayers of the Borough \$130 per year for the next 20 years. This is a 7 and one-half million-debt service at 3% for the next 20 years; this is if we can get it for 3%. In today's rising market, we may not get it for 3%. Mr. Linowski wanted to let the residents know that we did inquire and this is the cost.

Mr. Linowski said that he would like to thank the Recreation Board for Family Day. He said that one thing that we should be proud of is that we have more events in our borough for residents than any other town. State Representative Hackett to Mr. Linowski commented that everyone did a fantastic job on Family Day.

Mr. Linowski reported that Council is working on the budget and we will have a preliminary budget at the next Council meeting.

MINUTES APPROVAL

September 9, 2013 Council Meeting - Mr. McCray asked for a motion to approve the September 9, 2013 Council Meeting minutes. Ms. Leslie made a motion for this. Mr. Linowski made the second. Motion carried by unanimous vote.

September 23, 2013 Workshop minutes - Mr. McCray asked for a motion to approve the September 23, 2013 Workshop minutes. Ms. Leslie made a motion for this. Mr. Linowski made the second. Motion carried by unanimous vote.

MAYOR'S REPORT – Mayor Hess had no official report. He wanted to remind everyone that school is back in session. Please drive carefully and do not use your cell phones while driving.

COUNCIL REPORTS

CHAIR PUBLIC WORKS, CHAIR BUILDING COMMITTEE, MEMBER FIRE COMMITTEE, DEPUTY EMERGENCY MANAGEMENT AND MEMBER LONG RANGE DEVELOPMENT – Mr. Wilwert was absent due to personal business but submitted his report which was read by Mr. McCray: The lights have been installed at Eaton Park. All broken car stops have been removed. The trees in Eaton Park will be trimmed. Chipping has started; residents get 15 minutes per household. Sharing chipping with your neighbor is prohibited. Residents must call Borough Hall for an appointment. Grass cutting at empty homes continues. Salt bids need to be approved. Mr. McCray said that this would be tabled until next meeting. If any one has any potholes on their streets or if streetlights are out, please call the Borough Office and we will take care of it. Mr. Linowski reported that there is a meeting on October 8, 2013 about having security cameras in all the parks. The Penn Delco School District donated their playground equipment at Coebourn to us and it will be moved to Eaton Park.

CHAIR VETERANS GROUPS, CHAIR EMERGENCY MANAGEMENT ADMINISTRATION, CHAIR RECYCLING, CHAIR FIRE COMMITTEE AND MEMBER POLICE COMMITTEE – Ms. Leslie reported that the Shred-It Date has been scheduled for Saturday, November 2, 2013 from 8:30 AM to 12 Noon. If any resident has any personal papers that they want shredded, they can bring them up. The Veteran's Meeting will be on Thursday, October 10, 2013 at 7 PM in Borough Hall. The Veteran's Day Ceremony will be on Saturday, November 9, 2013 at 9 AM. Our Delaware County Borough Association's Fall Banquet for all Borough employees will be Saturday, October 26, 2013. If anyone plans to attend, please contact Ms. Leslie.

BUSINESS AND REVITALIZATION COORDINATOR, CHAIR ORDINANCE COMMITTEE, MEMBER CONDO ASSOCIATION, SCHOOL BOARD LIAISON AND LIAISON CLOCK COMMITTEE – Mrs. Fooks reported on the Business Revitalization Update. We are continuing to work with Mrs. Erickson and Mrs. Warfield to get information names and addresses of all the business owners in the borough. We will send letters to them asking them to clean up their stores and we are working on getting the vacant stores filled. The Animal Control Ordinance is finished and we are waiting for final approval from Mr. Maddren. Once that is finished we will advertise it and will make sure copies are available for residents; it will also be posted on the website. The Ordinance Committee will meet on Wednesday, October 23, 2013. This has been pushed back one week.

CHAIR HEALTH INSPECTOR, CHAIR PLANNING COMMISSION, CHAIR ARBOR/SHADE TREE COMMITTEE, CHAIR TRAFFIC CALMING, SCHOOL BOARD LIAISON AND CHAIR INSPECTORS AND FIRE MARSHALL – Mrs. Erickson wanted to remind residents that the Senior Community Services will sponsor a Flu Shot Clinic on Friday, October 11, 2013 from 10 AM to 12 Noon. There is no Planning Commission Meeting this month. It has been brought to our attention that some senior residents have been charged permits for work that they have been getting done. We are in the process of returning their money to them. This was an error and it will be corrected.

CHAIR ZONING HEARING BOARD, CHAIR COMPREHENSIVE PLANS, CHAIR HOLIDAY PARADE COMMITTEE, CHAIR LONG RANGE DEVELOPMENT, MEMBER POLICE COMMITTEE, MEMBER FIRE COMMITTEE AND ASSISTANT CHAIR ARBOR/SHADE TREE COMMITTEE – Ms. Truesdale was absent due to illness and there was no report.

ENGINEER'S REPORT – Mr. Catania reported that he had quotes for Road Salt and recommended to award the contract to Mid-Atlantic Salt, LLC at \$58.61/ton and to award an alternate contract to Ocean Port, LLC at \$59.20/ton. Mr. McCray asked that we hold off on this until next month. Mr. Wilwert had some issues with this and is looking into this.

Mr. Catania said that the automatic sampler at the Sewage Treatment Plant needs to be replaced. He received a few quotes for this and he recommends the purchase of a Teledyne Isco Sampler in the amount of \$5,101.31. Ms. Linowski made a motion for this. Mrs. Fooks made the second. Motion carried by unanimous vote.

INSPECTOR'S REPORT

- A. Building –Mr. N. Sanbe – No report
- B. Board of Health – Mrs. Warfield – No report
- C. Fire Marshal – Mr. Leslie gave his report at the September Workshop Meeting.
- D. Emergency Management Coordinator – Mr. Cornog – No Report
- E. Electrical, Code Enforcement and Plumbing – Messrs. J. and R. Grant – No report
- F. Zoning – Mr. A. Sanbe – No report

CHAIR RECREATION COMMITTEE, CO-CHAIR VACANCY REVIEW COMMITTEE, CHAIR TRASH/RECYCLING PERFORMANCE COMMITTEE AND MEMBER CONDO ASSOCIATION – Mr. McCray reported the following:

~ He talked to Mr. Eric Kuminka, Principal of Coebourn School and they are working on putting "A Million Words Reading Certificate". If the kids read one million words we are going to bring them up to Council Meeting and recognize them.

~ As Mr. Linowski reported previously, we are meeting tomorrow about installing cameras in Eaton Park and also in Scott Park. They are well needed.

~ Civil Service Tests and interviews are this week for a full time officer.

~ We are going to change the November Council Meeting to Wednesday, November 6, 2013. The regularly scheduled meeting was Monday, November 4, 2013 but since Election Day is on Tuesday, November 5, 2013, we are changing the meeting. It will be advertised in the paper.

~ Mr. McCray wanted to recognize the Family Day Committee, the Recreation Board and Council for the fabulous job they did. There were over 1,300 residents attending. Everyone had a great time.

~ There is a Mystery Dinner Theater scheduled for Saturday, October 12, 2013 at 7 PM. Tickets are \$40 per person/\$75 per couple and available at Borough Hall.

~ The Brookhaven Rec Board Golf Outing is on Sunday, October 13 at Becket Golf Club. Green fee is \$85.00 per person. Call Jim LaPera for more information.

Mr. McCray asked for a motion to approve two Permits to Sell with fee waived because they are non-profit. One is for the Transformation Christian Center for Stop Hunger Now and the other is for the Aston Lioness Club for their Annual White Cane Campaign. Ms. Leslie made the motion. Mr. Linowski made the second. Motion carried by unanimous vote.

PUBLIC DISCUSSION

Ms. Josephine Szostak, 340 Trimble Blvd. asked about the CWA land. Can this be put on a ballot to see if the residents are interested in purchasing the property. It would be nice to get the opinions of everyone. Mr. Maddren said that it cannot be put on the ballot for this coming election. We could do an "Open Space Referendum" to incur debt, to purchase open space. The time element is the real issue here. The property may be sold by the time this could be done. Mr. McCray said that this was brought up at the last meeting. The decision to purchase the property by Brookhaven should not be done by the seven persons on Council.

Dawn Jones, 409 Cambridge Road wanted to thank Council for supporting the Recreation Board in another fabulous Family Day. Mrs. Jones said that she and her partner, Betty Kelley, are very proud to be with such outstanding people. Kudos to our Fire Department and Police Department that came out to help us that day. When we needed a volunteer for the dunk tank, Chief McGoldrick responded immediately that he would be available to do it. Thanks also to Police Officers Jason Diamond and Benjamin Kyler for their help. Mrs. Jones also wanted to thank Ben and Jason Diamond who were there the whole day on their own time to help set up and clean up. Mrs. Jones also wanted to thank Mr. Catania and Mr. Maddren for always being there to help support us. Mr. McCray wanted to thank Mrs. Jones for doing one heck of a job. She was up at Boro Hall at 8 AM in the morning getting everything ready.

Chris Raftovich, 109 E. Garrison Road asked about the CWA property. She said that it is her understanding that Giant is having people go door to door to survey residents if they are for or against the new store. Mr. McCray said that Council was unaware of this until it was posted on face book. He said that he highly recommends that if someone does come around for this to call 911. They do not have a permit with the Borough. Mrs. Raftovich said that we might not be able to get this on the ballot or on the referendum at the primary. There is a lot at stake here. Mrs. Raftovich asked if there was any thought about Council doing something like this. Mr. McCray said that they have not entertained anything like this. Mr. Linowski questioned the legality of having a survey. Mr. McCray said that if we put this on the Internet, people could vote several times. Mrs. Raftovich asked if Council could send a survey out to all the homeowners. Maybe we would only get 50% returned, but it would give us an idea as to what direction this is going. Mr. McCray said that maybe we could do something after the newsletter goes out. Mrs. Raftovich asked if the minutes from the Workshop Meeting could be put on the website. She said that it is hard for the residents to attend all the meetings. Mr. McCray said that the Workshop Meetings are the same as the Council Meetings, so Council is thinking of only having Council Meetings next year. Basically they are the same meeting, so if we have to extend the Council meeting for an extra half hour we will and only have one meeting. Mrs. Fooks said that she sent the minutes for the Council Meeting and Workshop Meeting today to be posted on the website.

Mayor Hess mentioned to Mrs. Fooks that the minutes cannot be posted on the website until they are approved by Council.

Ms. Green, 723 Creekside Drive asked about the \$82,000 in escrow for Pulte. Mr. Maddren said that Mr. Catania reinspected Pulte and there are a number of deficiencies. A list of those deficiencies was sent to Pulte Corporate Headquarters and also will be put into the hands of the Homeowner's Association. If we do not get any action, we will have to put Pulte into default. Ms. Green asked if this money is a bond or cash. Mr. Maddren said that it is in escrow. Ms. Green asked if we have the authority to take the money. Mr. Maddren said that there are procedures set forth in those agreements. Mr. Maddren said that he hasn't looked at those agreements recently; they were set in place before he became solicitor. Typically there is a cure period on the default once they have the list; we need to notify their escrow agent or the bank providing the letter of security or whatever form of security they posted. The opportunity to cure those deficiencies is relatively a short period of time compared to how long the residents have been waiting to have them fixed.

With no other business to be discussed, Mr. Linowski asked for a motion to adjourn. Ms. Leslie made the second. Motion carried by unanimous vote. The meeting was adjourned at 7:45 PM.

Respectfully Submitted,



Mrs. Joan Boyle
Brookhaven Planning Commission Secretary
(Substituting for Mrs. McKinley)