

MINUTES  
OCTOBER 7, 2019  
BROOKHAVEN BOROUGH COUNCIL MEETING

At 7:00 PM President of Council, Vawn Donaway, called the regularly scheduled meeting of Brookhaven Borough Council to order. He welcomed all present and thanked them for coming. 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 September—Gloria Merlino, Mary Cordy, William Beggs (former Crossing Guard) and Michael Cally. A moment of silence was held in their memory.

The record shows all members of Council were on time and seated at the Council Table. Also seated at the Council Table were Solicitor Stone, Mayor Hess, Mrs. Mulvena from NDI Engineering and Secretary McKinley. Chief Matthew Kurten was seated at the Inspectors' Table.

**PUBLIC DISCUSSION - None**

**BROOKHAVEN BUSINESS & PROFESSIONAL ASSN. REPORT – Mr. Sredenscek from Bryn Mawr Trust Bank was not present.**

**SCHOOL BOARD REPORT – Mrs. Ford**

Mrs. Ford's report said that on September 11 Coebourn Elementary School students lined the streets in front of the school on September 11 to support the passing 1<sup>st</sup> Responder bicyclists (riding in honor of Delaware County's Line of Duty Death Heroes). Participation in this event was a wonderful teaching moment for the students. It was a privilege for Coebourn Elementary School to be part of the September 11 memorial bike ride to honor Delaware County's fallen heroes. The students and staff of Coebourn Elementary were genuinely touched by this event and it allowed the staff the opportunity to help the children understand the significance of this day and what it means to honor the lives of others who serve. Thank you to all of our first responders who serve each day to protect our community.

International Dot Day – On September 13, Coebourn students took part in international Dot Day with a reading of "The Dot" encouraging students to harness their own creativity and embrace their own confidence as they make their mark on the world. Collectively, the students created a beautiful art installation representing their creativity.

Pinwheels for Peace – On September 20, 2019 Coebourn Elementary students took part in an international art and literacy project, Pinwheels for Peace by "planting" pinwheels with messages of calm and serenity outside the school. In honor of International Peace Day, students created their own wishes for peace then formed them into pinwheels to spread hope for a better world.

**BROOKHAVEN BUSINESS & PROFESSIONAL ASSN. REPORT – Mr. Srednescek from Bryn Mawr Trust Bank was not present.**

**POLICE CHIEF'S REPORT – Chief Matthew Kurten**

Chief Kurten's Crime Report shows that the police department investigated 20 thefts \$4,739 11 of which were retail thefts and 4 from unlocked motor vehicles and 1 motor vehicle theft. There was \$24,739 reported stolen and \$20,407 was recovered including the stolen vehicle. There were 26 persons (24 adults/2 juveniles) charged with various offenses including narcotics, theft, weapons, DUI, disorderly conduct and underage drinking. There was 1 municipal ordinance warning and 3 citations issued during the month.

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The Security Report shows that the police responded to 17 false alarms during the month. Officers discovered 1 security violation—an unlocked door—while recording 517 security checks. Security checks were also provided for 5 homes of residents in the borough that requested vacation checks. Police responded to nine 9.1.1. hang-up calls. There were 3 citations and 1 warning issued for false alarms.

Chief said that Brookhaven Townwatch is an integral part of the community and does an excellent job patrolling the borough.

The Traffic Safety Enforcement Report shows that officers conducted traffic details on Chandler Drive on August 9 and August 19. A total of 10 citations were issued for speeding and 4 stop sign violations. Police issued a total of 117 citations, 21 parking tickets and 16 warnings. Police responded to 21 car crashes—2 reportable and 19 non reportable. There were 29 hazard complaints, 24 assists rendered to motorists and 13 vehicles impounded.

Chief Kurten said that the Fire Police are always available to assist with road closures and traffic control as needed.

The crossing guards have not started to work yet because school has not started.

The youth Aid Panel heard 1 new case this month involving 2 juveniles.

The Training Report shows that Officer Wetten attended SWAT training on August 15 and Chief Kurten and Officer Barth attended the monthly Workplace Safety Meeting on August 26<sup>th</sup>.

Vehicles – The 27-5 car had a new door panel installed on August 5. On August 20, the 27-6 car was involved in a minor accident. The vehicle is currently being repaired. All other vehicles are operational.

The Personnel Report shows that Officer Kyler remained out IOD. He is recovering from a lower leg injury.

The Appreciation Report shows that the Tharp family from Edgewater Lane brought soft pretzels for the officers for providing security checks on their home when they were on vacation.

Communications shows all radios are operational.

The August Crime Report shows 20 thefts, 1 auto theft, 1 vandalism, 1 fraud, 3 weapons offenses, 2 DUIs, 1 liquor law violation, 6 narcotics violations, 10 animal complaints, 6 other animal complaints, 4 solicitation complaints, 5 noise complaints, 3 open burning complaints and 1 dumping complaint. There were 24 adults arrested and 2 juveniles arrested, \$20,407 worth of property was recovered and \$24,739 worth of property was stolen. The youth Aid Panel heard 1 case involving 2 juveniles. The Types of Crime Report shows 30 suspicious conditions, 2 harassments, 13 disturbances, 14 domestic disputes and 3 juvenile complaints. Civil Matters show 14, 50 medical and 4 302's. There was 5,100 miles driven, 898 hours on patrol, 1 escort, 71 assists to other departments, 2 public relations and 9 9.1.1. calls. There were 17 alarms violations, 517 security checks, 1 security violation 1 alarm warning and 2 alarm citations. There were a total of 117 citation issued, 21 parking tickets, 16 warnings, 21 accidents and 29 hazardous vehicle complaints. There were 24 assists to motorists and 13 impounds.

**FIRE CHIEF'S REPORT** – Chief Montella

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For the month of September, Chief Montella gave the following figures; however, prior to his report Ms. Sawicki presented Chief Montella with a check that was received from the state. Also got pension fund money from the state.

There were 3 fire incidents, 21 non-fire incidents, 18 mutual aids and 4 drills. There were no losses to structures, contents, vehicles but there was \$200,000 worth of property endangered. There no firefighter or civilian death or injuries. The Manpower Report shows on the 46 fire calls there was average of 14 participants for 425 hours. For the 4 training sessions there was an average of 27 participants for 149 hours.

Brookhaven Volunteer Fire Company responded to the following incidents in Brookhaven Borough: Building fire at What A Crock where a truck crashed into the meter socket; building fire at 3219 Edgmont Avenue where there was a HVAC incident; Gas Leak in Building 9 at Traditions at Ridley Creek. The leak was secured with PECO and the building was ventilated.

Brookhaven Volunteer Fire Company assisted Chester Township Fire Company on a building fire in the 1400 block of Rainer Road in Toby Farms; assisted Ridley Park Fire Company at 1112 Swarthmore Avenue on a building fire; Assisted Parkside Fire Company on a building fire in the 100 block of East Chelton Avenue.

Brookhaven Fire Company's Monthly Fire Training involved engine company line advancement and deployment, forcible entry Class, 28 firefighters trained in stop the bleed class and master stream operations.

Brookhaven Fire Company will be in schools and daycares all week for Fire Prevention Week.

Brookhaven Fire Company was awarded the Federal Assistance to Firefighters in the amount of \$39,913.33 and they owe 5% which is \$1,995.67 for a grant total of \$41,909.000.

Chiefs attended a pipeline meeting at the 9.1.1. Center.

The September Ambulance Report shows 100 transports; 16 refusals, 1 Dead on Arrival, 7 fires; 8 Assists for a total of 132.

Second Emergencies calls were as follows:

Brookhaven 52 – 71 ; Aston 17 – 3; Chester City 81/82/100 – 20; Chester Township 47 – 1; Media 23 – 12; Middletown Township 50 – 9; Nether Providence 51/65 – 1; Parkside 45 – 9; and Upland 57 – 5.

### **SOLICITOR'S REPORT – Mr. Stone**

The Borough's Complaint in Equity for 123 East Brookhaven Road has been filed with the Court of Common Pleas, and the property owners were served by the Sheriff's Office on August 19. The owners have until September 9<sup>th</sup> to file a response to the Complaint. If no response is filed, Solicitor Stone will

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send the property owners a Notice to Enter Judgment and subsequently file a Motion seeking a Judgement.

4209-4213 Edgmont Avenue (Carman's) Solicitor Stone asked for a motion from council to permit him to file a petition for Appointment of Conservator and to propose Bastogne Development Partners as Conservator for the property. Mrs. Fooks so moved and Mr. Heller made the second. Motion carried by unanimous vote.

Solicitor Stone said he is still waiting for the signed copy of Developer's Agreement for 315 West Brookhaven Road proposed homes. The owner is in the process of securing the required financial security for the borough.

Solicitor Stone recommended a motion to permit him to properly advertise the proposed ordinance which has been reviewed and recommended by the Ordinance Committee setting forth the standards for the design, construction, maintenance and operation of waste disposal and/or cooking oil storage containers for consideration of this Ordinance at the October 7 Council Meeting. Ms. Sawicki made the motion and Mrs. Fooks the second. Motion carried by unanimous vote.

### MINUTES APPROVAL

Ms. Leslie made the motion and Mr. Heller the second to approve the minutes from the August 5, 2019 Brookhaven Borough Council Meeting. Motion carried by unanimous vote.

Ms. Leslie made the motion and Ms. Sawicki the second to approve the minutes from the July 22, 2019 Brookhaven Borough Council Workshop. Motion carried by unanimous vote.

MAYOR'S REPORT – Mayor Hess had no report.

### COUNCIL REPORTS

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 asked that we advertise for Alternates on the Zoning Hearing Board. Send a letter of interest or a resume.

On the horizon for Recreation Committee activities are the Annual Senior Luncheon 1:00 PM on December 6; Tree Lighting Ceremony at 6:00 PM on December 6 and Build Gingerbread Houses at 6:00 PM on December 6.

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 Ordinance Committee did meet on Thursday, September 19, 2019 at 6:30 PM.

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Mrs. Fooks continued her report saying Chili's is open for business. They had a very nice ribbon Cutting ceremony on Friday and ever since the restaurant has been very crowded. She wished them many successful years in Brookhaven.

The Tech Committee Report shows that she and Mr. Cadden met prior to this meeting to discuss storage, etc, for the website requirements.

There is no news for the Brookhaven Business & Community Association.

Community News shows Providence Animal Center will be here on May 19 for the chip/vaccination clinic. Flyers will be made up once the event gets closer.

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

Ms. Leslie said that the recycling event schedule for October 12 will be held at Coebourn School Parking Lot from 9:00 AM until Noon. Electronics recycling will cease effective immediately with B&L. Availability of centers willing to receive the products has dried up completely which makes doing the events impossible.

The Veterans: Day Service will take place on November 9 at 11:00 AM. The Veterans' Meetings resumed monthly on September 12 at 7:00 PM at the borough all. They meet the second Thursday of the month from September to June.

Nothing to report on Police or Fire Committees.

Emergency Management – The PECO reliability analysis for the Knowlton\_004 circuit is from our regional engineering team for 150 East Dutton Mill Road and 4801 Edgmont Avenue. The July outages were due to equipment malfunctions and vegetation-related storm events. There are no new upgrades planned for the line, but it is due to have a circuit patrol and thermography done later this year which will help identify any areas that need additional tree trimming. Lastly, the circuit is currently not in its normal configuration so it is being supported by two other lines. We expect the line will perform much better once it is restored to normal configuration. Steve is working on finding out when we plan to restore it to normal configuration.

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

Ms. Sawicki made the motion and Mr. Heller the second to approve the bill list which totaled \$154,389.39. Motion carried by unanimous vote.

Ms. Sawicki introduced Mike Hill. Mr. Hill explained that his company was formed in 2010 to help municipalities see where money has been missed. Ms. Sawicki would like Council to retain Mr. Hill's Services for Business Privilege and Mercantile Taxes. Mr. Hill's compensation will be 1.8% of net collections. Solicitor Stone asked when Mr. Hill would start. Ms. Sawicki said January 1, 2020. Ms. Sawicki made the motion and Mr. Heller the second to retain the services of Mr. Hill for the above collection for 2 years beginning January 1, 2020. Motion carried by unanimous vote.

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Ms. Sawicki read the Financial Requirement and Minimum Municipal Obligation (MMO) Budget for 2020 as follows:

	Police	Non-Uniformed
Total Annual Payroll	\$ 890,000	\$ 593,474
Normal Cost As A Percentage of Payroll	16.88%	3.71%
Total Normal Cost	\$ 350,232	\$ 22,018
Amortization Requirement	\$ 158,348	\$ 0
Total Administrative Expenses	\$ 6,400	\$ 10,245
Financial Requirement	\$ 314,980	\$ 32,263
Total Member Contributions	\$ 44,500	\$ 0
Funding Adjustment	\$ 0	\$ 7,626
Minimum Municipal Obligation	\$ 270,480	\$ 24,637
Minimum Municipal Obligation Based Upon Market Value of Assets	\$ 319,008	\$ 31,630

Ms. Sawicki made the motion and Mr. Heller the second to approve the Police MMO for 2020. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Mr. Heller the second to approve the Non-Uniformed MMO for 2020. Motion carried by unanimous vote.

A letter was received from Parkside Borough's Secretary asking if they can obtain their road salt from Brookhaven since they have no place to store road salt. They are a small borough and this arrangement has worked well in the past. Ms. Sawicki made the motion and Mrs. Fooks the second to allow this arrangement. Motion carried by unanimous vote.

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

The Technology and Communications Committee will meet on Thursday, October 10, 2019 at 7:00 PM. They will have Delco Alert Training.

Nothing to report for Board of Health and Civil Service Commission.

Technology and Communications Committee's next meeting is this Thursday, September 12 at 7:00 PM.

ENGINEER'S REPORT – Mrs. Mulvena

Mrs. Mulvena's written report to council covers Relocation of the Treasurer's Office Door; PA Small Water and Sewer matters-specifically we got confirmation that we can use our existing Ordinary Street and Sewer Maintenance contracts to perform the work on West Brookhaven Road to replace a portion of the sanitary sewer main and lateral connection. NDI will prepare an application for a PennDOT HOP and then work to schedule the work to be completed.

Wastewater Treatment Plant – Keystone Engineering is proceeding with permitting for the installation of the mechanical screen. The resale of the Muffin Monster still needs to be addressed.

2018-2019 Ordinary Street and Sewer Maintenance – NDI will continue to bring issues to Council's

attention as they are identified and are keeping a running list.

Drainage Approved by Council: 630/632 Kenney Lane requires regarding to correct runoff from bypassing the inlet; 4420/4450 Marianne Drive appears joint requires grouting at the inlet and the pipe looks like it could be CMP which means it could have rusted; 4421 Marianne Drive; Woodland Avenue just off Brookhaven Road the inlet has been repointed and a new op was set. Final restoration is required. The pipe condition hasn't been assessed as the line requires jetting. We are requesting Public Works clean and televise the line. Shepherd Street drainage project and Bridgewater Road at Trimble Run Condos-sinkhole at inlet.

Drainage requiring Council approval or to still be investigated – West Brookhaven Road east and west of Gray Streets; dead end – entrance to Trimble Run off North Clearwater Lane; 4943 Creek Road; 3408 Janney; 403 Camelot Drive – inlet added in rear yard; 407 Camelot Drive – broken storm sewer at curblin; homeowner wants to break through curb; Hilltop drainage to Mills of Rose Valley; 716 Lincoln – collapsed inlet to be verified; 3547 Edgewater Lane; 411 Trimble Boulevard (new inlet in 2017); 3533 Victor Avenue(new inlet in 2017); 315 Patton Avenue; Coebourn Boulevard between Shepherd and Grant; 345 Patton avenue; 3642 Deepwater Lane; Grant Drive in the vicinity of Coebourn Boulevard; 131 Virginia Avenue and 141 Trimble Boulevard (sinkhole in street at curb).

Sanitary Approved by Council – 400 Edwards Drive sinkhole on Mount Vernon from sewer lateral which requires replacement of the street lateral – completed; 3400 Mount Vernon Avenue – sanitary sewer sinkhole – completed; Edgmont Avenue – Easton Park to Brookhaven Road – project delayed; most likely to be done in Spring/Summer 2020 unless we can use pipe bursting. Work will be performed in the evening; West Brookhaven Road – portions; 3421 Commerce Avenue – Completed; 3715 Arlington Avenue – completed; 3642 Deepwater Lane and 3408 Nathan Avenue.

Sinkhole at Bridgewater/West/Brookhaven Roads – PennDOT completed the temporary corrective action. PennDOT has assigned the repair of the line to the Bridge Unit. It is expected that it will be a year before any construction activity takes place. Another sinkhole was reported at Bridgewater/West Brookhaven Roads. NDI has notified PennDOT and are awaiting their response.

Sanitary Sewer Maintenance – A DELCORA representative and Mrs. Mulvena met to discuss the issues related to high flows being recorded at the meter on 11<sup>th</sup> Street. Public Works will schedule televising. NDI has provided a location map for televising to Gary Thompson for both this purpose and the street maintenance program.

Storm Sewer Maintenance – NDI is scheduling A to U Services to clean the storm sewer that needs cleaning on Bridgewater Road near Toby Farms School.

Salt and Trash Bids – The bid tabulations for Salt and Trash Bids are attached to the report. Regarding the Salt Bid, it is recommended that a motion is made to award the Purchase and Delivery of De-icing Salt to Mid-Atlantic Salt in the amount of \$14,250. In regards to the Trash and Recycling Bid, it is recommended that a motion is made to award Creative Waste Solutions—B&L Disposal with a three year contract for both the trash and recycling bids in the amount of \$1,323,043.65.

Shepherd Street Stormwater Improvement – NDI received approval from the pipeline company contingent upon pipe cover of 3-4'. The current cover may be 2'. NDI is proceeding to move forward with the project. They have scheduled a meeting for Wednesday, October 9, 2019 with the homeowners to go over the scope of the project.

Traffic Signal and Street Light Maintenance – Place Holder

Traffic Control – Whitely Road at Edgmont Avenue- timing and striping modifications. PennDOT has authorized a timing change which has been completed by Higgins Electric. The Borough will be responsible for the striping changes. NDI should be receiving a copy of the revised permit shortly. Coebourn Boulevard at Cambridge Road and at Edgmont Avenue – Left turn arrow installation. The contractor has started to work. Upland Road at Edgmont Avenue and Roberts Road – No Turn on Red request has been sent to PennDOT. A letter will be sent to Mayor Hess for forwarding to PennDOT.

Land Development – Code Department will notify applicants to provide NDI with site schedule. Brookhaven Green Estates – NDI will review and address any comments regarding the traffic study submittal. It is NDI's understanding the applicant received variances from the Zoning Hearing Board. NDI would like to remind the borough that no permits will be issued until stormwater management calculations have been submitted. 315 West Brookhaven Road – NDI signed record plans. Freddy's Escrow release request approved by Council. Dunkin Donuts – NDI notified the applicant's engineer that PennDOT will require a review of the driveway changes and will require an on-site meeting. NDI has not heard anything further on that.

Code – Code Department to notify applicants to provide NDI with site schedule. Please advise when permit applications are provided that require stormwater Management review. Wells Fargo storm water management calculations are adequate. Plans have been conditionally approved and sent to the borough. Slavic Evangelical Baptist Church's stormwater management calculations are approved. 4813 Cooper Road and 3459 Victor Avenue are both being handled by the Code Enforcement Officer.

Progress is being made on the Hilltop storm sewer system Information has been found regarding the court case; however, the actual paperwork from the court case that contains the results has not yet been found.

MS-4 Stormwater Permit – The calculations regarding the Borough's sediment discharge to Ridley and Chester Creeks have been approved by DEP. We are now planning best management practices that will decrease the sediment discharge by 10%.

As a result of the Chandler Drive Traffic Study, Chandler Drive will be striped to help reduce the speed of drivers.

ADA Compliance – For our information, Mrs. Mulvena said the Pennsylvania Local Technical Assistance Program (LTAP) sponsored a webinar on December 12 and discussed the requirements for an ADA transition plan for municipalities. A plan is required for any municipality with more than 50 employees (part and full-time). If you have fewer employees, this plan is encouraged but not required. The webinar shared that Municipalities should have a plan in place showing good faith efforts working toward improving infrastructure items (sidewalks, ramps, streets, street lights, etc. in order to bring them into ADA compliance. Tool kits are available on-line to help you get started.

Stormwater Tip – During routine fall tune-ups, check your car and lawn equipment for leaks. A large rainstorm can send gasoline and oil drips from automobiles, lawnmowers and power equipment into waterways.

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

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Mr. Donaway read the Public Works Department's written report to Council for the month of September.

He continued his report saying the Holiday Parade will step off from Our Lady of Charity's Parking Lot at 2:00 PM on November 23.

#### INSPECTORS' REPORTS

BOARD OF HEALTH – No Report

ZONING HEARING BOARD – Mr. Hampton

Mr. Hampton said the old Wawa which now will have a Dunkin Donuts has to get a demolition permit. They just got their PennDOT Permit.

Mr. Hampton continued his report speaking about S&S Remodeling moving out of Brookhaven and said they have an apartment above the store for rent.

FIRE CHIEF – Chief Montella said Texas Eastern may have to dig on East Brookhaven Road.

FIRE MARSHAL – Mr. Leslie has no report

#### PUBLIC DISCUSSION

John Seyelo from Grant Drive said there was a conduit put in the road on Coebourn Boulevard. It is tying into the gas line.

With no more business to come before Council, Mr. Heller made the motion and Mrs. Fooks the second to adjourn. Motion carried by unanimous vote.

Respectfully Submitted  
BROOKHAVEN BOROUGH

Mary Ellen McKinley  
Borough Secretary