

**MINUTES
BROOKHAVEN BOROUGH COUNCIL MEETING
MONDAY, SEPTEMBER 10, 2018**

At 7:00 PM Council President Vawn Donaway called the regularly scheduled Brookhaven Borough Council Meeting to Order. Mr. Donaway 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 August, 2018. They are: Michael Gyda, George Villano, Jr., William Platt, Jr., Dolores Albertini, Robert Pappano and Jane Bobak.

The record shows the meeting was held in Council Chambers at the Brookhaven Municipal Center, 2 Cambridge Road, Brookhaven, PA 19015 and the following people were seated at the Council Table. Councilpersons Mr. Donaway, Ms. Sawicki, Mr. Heller, Mr. LaPera, Mrs. Fooks, Ms. Leslie, Mr. Pappas, Mayor Hess, Borough Engineer Mrs. Mulvena and Solicitor Mr. Stone. *(Mrs. Joan Boyle, Brookhaven Planning Commission Secretary, recorded the minutes for Mrs. McKinley in her absence).*

**THE KNABB PARTNERSHIP – SEEKING SITE PLAN APPROVAL – RADIO PARK LANE
– BROOKHAVEN ESTATES**

Mr. Ronald Knabb, from The Knabb Partnership, was present at the meeting to ask for advance approval to build the Brookhaven Green Estates. He said that he has met all approvals, will do the traffic study, reviewed the plans with the Borough Engineer and has talked about easements. The builder, Mr. Pete Gebhart, was present at the meeting to address any concerns or questions that Council had about the project. Mr. Knabb said that he has talked to the Church officials and to the Kentucky Fried Chicken owners about the required easements. Mr. Knabb said that they would live up to all the requirements that he needs to do. He would like to receive a vote of confidence from Council this evening.

B & L TRASH HEROES

Mayor Hess introduced two gentlemen who are employees of B & L Trash Services. When they were picking up trash on a borough street on August 29th, they saw that a man was lying on the driveway unable to get up. These two gentlemen quickly went to the injured man to render help; the man was 91 years old and his face was burnt from the surface of the driveway. The gentlemen from B & L immediately called for help, gave him water and the one gentleman took the man and held him in his arms to comfort him. If these two gentlemen were not there at the time, the elder man might have succumbed to the heat. His family, the Grant Family, was present at the meeting and wanted to express their thanks to these two gentlemen for saving their father/grandfather. He is still in the hospital but is recovering. Mayor Hess and Council President Donaway presented these two gentlemen with a Recognition Plaque and expressed their thanks from the Borough for an outstanding job.

SCHOOL REPORT

Mrs. Teresa Ford, Principal of Coebourn School, reported that the first day of school was on September 4th. She reported that as a National Green Ribbon School, Coebourn Elementary has an ongoing commitment to the value of environmental stewardship.

One of the goals over the summer was to do an expansion of the Children's Garden at the school. This is an educational tool where the students can participate by planting, maintaining and harvesting vegetables. This summer's harvest included tomatoes, peppers, cucumbers, eggplant, beans and corn. This fall the students will plant four cherry trees that were donated by the Coebourn 5th Grade Class of 2018. Mrs. Ford said that they are looking for more funding to expand the garden.

Mrs. Ford reported that the Library was open this summer for any students who wanted to use the library. Back to School Night is September 20th.

FREDDY'S PROJECT

Mr. Chris Reagle, from Maser Consulting, was present on behalf of the proposed Freddy's Restaurant. He asked Council to vote for approval of the drive-thru window at the restaurant. He said that they would adhere to the Engineer's comments.

PUBLIC DISCUSSION

Mr. Tom Dykes, 305 W. Brookhaven Road and Mrs. Josephine Szotek, 340 Trimble Blvd. were present on behalf of the Brookhaven Historical Committee. They want to preserve the Dutton Mansion, located on Dutton's Mill Road, and are looking for funds. They were present to ask permission from Council to talk to other Historical Societies to get information about funding. The first listing of the Dutton Mansion was in 1824. They would like to make the building safe and to eventually fix the inside. Mr. Dykes said that the Dutton Mansion is an important gateway to Brookhaven; perhaps we can put this Mansion on our Historical Buildings in Brookhaven. Mr. Heller agrees that this Mansion is most visible and is a Historical Building. He wants to save our history. The Mansion is currently for sale and is listed at \$300,000. Mrs. Szotek said that she spoke to realtors and they think that \$80,000 to \$100,000 is a realistic price. Mr. Dykes said that they just want to talk to other Historical Societies.

FIRE CHIEF'S REPORT – CHIEF MONTELLA

Chief Montella reported that for the month of August there were 2 fire incidents; 24 non-fire incidents; 21 mutual aid and 4 drills. There was no fire loss in August. There were 51 fire calls and 4 training calls. There were 2 accidents. The Fire Company responded to 2 calls in August. We assisted Chester Fire Dept., Middletown Fire Co., Upland Fire Co. and Rocky Run Fire Co. Chief Montella said that they are watching the weather reports about Hurricane Florence and will be ready to respond to any need.

Chief Montella reported that the Brookhaven Ambulance had 70 transports in August, 28 refusals, 15 assists with 113 total calls for the month of August. . We have had 948 total calls for the year.

SOLICITOR'S REPORT

Solicitor Stone reported that they have been working on the Zoning Ordinance and have had a few hearings. We have made a few minor changes here and there. Solicitor Stone asked for a motion for Council to adopt the new Zoning Ordinance. A motion was made by Ms. Sawicki and seconded by Mrs. Fooks. The motion was approved unanimously.

Solicitor Stone said that he circulated among Council the new bylaws for the Brookhaven Borough Safety Committee. This is something that we have to do periodically for the Insurance Company. Solicitor Stone asked for a motion to adopt this resolution. A motion was made by Ms. Sawicki and seconded by Mrs. Fooks. The motion was approved unanimously.

Solicitor Stone reported that we have been working on the Employee Handbook. We have gone through several drafts and it is now complete. Solicitor Stone asked for a motion to adopt the latest draft of the Employee Handbook. A motion was made by Ms. Sawicki and seconded by Ms. Leslie. The motion was approved unanimously.

Solicitor Stone reported that they talked about the minor changes we need to make to our Snow Removal Ordinance. Solicitor Stone asked for authorization to advertise the new Snow Removal Ordinance. Solicitor Stone also asked Council where to publish the Ordinance; the "Spirit" is weekly and the "Daily Times" is every day. We have time for this Ordinance to be published in the "Spirit" because the date for adoption is October 1st. Mr. LaPera said that Zoning is going to use the "Spirit" if the timeline works out. A motion was made to publish the Ordinance in the "Spirit" by Ms. Sawicki and seconded by Mr. LaPera. Mr. Heller said that we should decide about each publication case by case depending on the timeline. The motion was approved unanimously.

Solicitor Stone reported that the owner of Brookhaven Green Estates is requesting an extension for his conditional use approval, which was first approved years ago. Solicitor Stone said that there are conditions associated with the approved. One of the conditions is compliance with the Borough Engineer's comments, compliance with the Fire Marshall's comments, the Storm Water Management Ordinance, having a Traffic Study completed, compliance with all state laws, ordinances and codes. Solicitor Stone asked for a motion to approve the development of Brookhaven Green Estates. A motion was made by Mr. LaPera and seconded by Mrs. Fooks. The motion was approved unanimously. Mr. Knabb, owner of Brookhaven Green Estates, thanked the Council for their support.

Solicitor Stone reported that Freddy's is applying for a conditional use for a drive-thru window subject to the Borough Engineer's comments. Solicitor Stone said that there was a public hearing on this prior to the Council meeting. Freddy's is asking for approval for a drive-thru window. Solicitor Stone asked for a motion to approve this based on the Borough Engineer's comments. A motion was made by Ms. Sawicki and seconded by Mrs. Fooks. The motion was approved unanimously.

Solicitor Stone reported that they have been discussing the 2015 International Building Code and the International Fire Code. Solicitor Stone said that there is a desire to have this adopted at the October 1st meeting. Solicitor Stone asked for a motion to advertise these two Ordinances. A motion was made by Ms. Sawicki and seconded by Mrs. Fooks. The motion was approved unanimously. It was agreed that this should be published in the "Daily Times".

MAYOR'S REPORT

Mayor Hess reported that he is looking into the pricing for Body Cam Cameras for the Police Officers. He said that Delaware County would be putting out a new radio system in two years. They may give the Borough new radios. Acting Police Chief Martin and Mayor Hess will meet with Senator Killion on September 27th to discuss funding for these cameras and possible other items.

Mayor Hess reported that we are getting new computers in all our police cars. We are getting all the requirements ready to look for a new Police Chief and we will advertise. Mayor Hess talked to Rep. Leanne Krueger-Braneky and she said that the sewer grant we applied for is coming along. The grant is for \$390,000.

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

Ms. Leslie said that she also would like to thank the B & L employees for their heroic efforts on August 29th. Ms. Leslie said that the Electronics Recycle and Shredding Event would be held on Saturday, October 20th at 9 am at the Fire Station. We have had complaints from the trash company about cardboard being put into regular trash. Some of the reasons may be due to the boxes having plastic wrap on them or oils, water, paint or something else may have contaminated them. Wet cardboard may not go into recycling; it jams up the machines. Also, plastic bags do not go into the recycle bin.

Ms. Leslie reported that the Veteran's Day Service would be on Saturday, November 10th at 10 am on the Memorial Island. The Veterans meet on the Second Thursday of the month at Brookhaven Municipal Center. The next meeting is this Thursday, September 13th. They are always looking for new members.

Ms. Leslie reminded everyone that the 9-11 Service would be on Tuesday, September 11th at 6:30 pm at the Municipal Center. This ceremony is sponsored by our Town Watch. Ms. Leslie said that Emergency Management would be available if we get any of the storms from the approaching hurricane.

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

Ms. Sawicki asked for a motion to pay the bill list for this month. Mr. Heller seconded the motion. The motion was approved unanimously.

Ms. Sawicki said that every year we have to prepare the Minimum Municipal Operating Budget to send to Harrisburg. The budget for the Police this year (2019) is \$388,907 and for non-uniform is \$30,833. Ms. Sawicki made a motion to approve the Police Plan for 2019 for \$388,907 and Mrs. Fooks seconded it. The motion was approved unanimously. Ms. Sawicki made a motion to approve the Non-Uniform Police for \$30,833 and Mr. LaPera seconded it. The motion was approved unanimously.

Ms. Sawicki reported that we have to have a Capitalization Policy for Borough Audit. Any expenditure that is over \$5,000 gets listed on a separate page for the Audit. Ms. Sawicki made a motion to the Resolution and Mr. Heller seconded it. The motion was approved unanimously.

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 reported that the Board of Health Personnel Committee, along with Ms. Sawicki, Mr. LaPerra, Mr. Bob Grant and he had a meeting with the three candidates for the position of the Board of Health Commercial Food Inspector. It was an unanimous decision to hire Mr. Joseph Bynum for the position. All three candidates were qualified but based on what we needed, we chose Mr. Bynum. Mr. Heller made a motion to hire Mr. Joseph Bynum as the Board of Health Commercial Food Inspector and seconded by Ms. Sawicki. The motion was approved unanimously.

Mr. Heller reported that the Technology and Communications Committee borrowed the Penn Delco School Board's camera again to be used at this meeting. We resolved the sound issues with the exception of some of the wireless mics. Mr. Heller will order a camera at a cost of \$1980 with an additional cost of \$120 for the warranty. We will need another \$100 for the tripod and other items so the total cost will be approximately around \$2400 to \$2500. In addition to using the camera for recording the Council meetings, it will be used for other borough events. No motion is needed because it will be put on the Bill List.

Mr. Sean McKenna has resigned from the Historical Committee. Mr. Heller made a motion to accept the resignation of Mr. McKenna from the Historical Committee and seconded by Mrs. Fooks. The motion was approved unanimously.

PLANNING COMMISSION LIAISON, CONDO ASSOCIATION CHAIR, MEMBER FIRE COMMITTEE AND MEMBER HISTORICAL COMMITTEE – MR. PAPPAS

Mr. Pappas said the Planning Commission met on August 21st and heard the request from Mr. Knabb of Brookhaven Green Estates to approve his development. This was discussed tonight at this meeting. Mr. Chris Reagle came before the Planning Commission to ask for a conditional use for a drive-thru for the proposed Freddy's Restaurant. This was discussed tonight at the public hearing and also at the Council Meeting.

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 reported that the Zoning Board would meet on October 10. We are looking at using the "Spirit" to advertise Zoning requests. We can save money by using the "Spirit" so we will not have to raise the fees for zoning requests. Mr. Hampton can put two ads in the "Spirit" for the same price as one ad in the "Daily Times". We can save the applicants money by using the "Spirit".

The Recreation Board will meet on September 27th. The following events are planned:

- ~ Golf Outing, Friday, September 14
- ~ Family Day on Saturday, September 29
- ~ Fall Designer Bag Bingo on Friday, October 12
- ~ Trunk or Treat, Saturday, October 27 (We need more people with trunks)
- ~ Murder Mystery Theater, Friday, November 16
- ~ Holiday Parade, Saturday, November 22
- ~ Senior Luncheon, Sunday, December 2
- ~ Annual Tree Lighting with Santa Claus, Sunday, December 2 at 6 pm
- ~ Gingerbread House Event, Sunday, December 9

Mr. LaPera reported that Mr. Bob Grant was getting a Gas Card for \$100 per month and that Mr. LaPera wants to bump it up to \$225. Mr. Grant is now doing three jobs. Mr. LaPera made a motion to give a gas card for the amount of \$225 per month to Mr. Bob Grant and seconded by Ms. Sawicki. The motion was approved unanimously.

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 reported that the Ordinance Committee will meet on September 20th and will continue to discuss our current Fireworks Ordinance. It needs to be reevaluated since Pennsylvania has changed their laws and residents think they can use fireworks near their homes. We are getting input from other towns about their Ordinances and will take that information to create our Fireworks Ordinance.

We are continuing to work on our web site and we ask everyone to visit the site. We are still making improvements to the site.

The dog decoys for the geese have arrived; Mr. Heller has volunteered to put them in Durkin Field tomorrow and if they work, Mrs. Fooks suggested to purchase more to put in other locations where there is a geese problem.

ENGINEER'S REPORT - MRS. MULVNEA

Mrs. Mulvena reported that she needs authorization to advertise for a part-time Plant Operator at the Wastewater Treatment Plant and asked for a motion for this. Ms. Sawicki seconded it. The motion was approved unanimously.

Mrs. Mulvena asked for authorization to do sewer repairs at Arlington, off of Trimble. There is a sinkhole at 3432 Janney and 4208 Mt. Vernon and 3770 Susan needs lateral repair. The total cost for these repairs is \$45,400. The money will come out of Sewer System Maintenance. Mrs. Mulvena asked for a motion to proceed with this. A motion was made by Ms. Sawicki and seconded by Mr. Heller. The motion was approved unanimously.

Mrs. Mulvena reported that regarding Liquid Fuels, we would not be using the 2018 County Aid funds for this project. We will ask them to hold these funds until next year. We are currently doing paving and we can go over October 31st for this project. A & U made four repairs to inlets.

Mrs. Mulvena reported that she has prepared a letter to PennDot to update the permit to have left-turn signals from Edgmont onto Coebourn Blvd.

Mrs. Mulvena has asked the Borough Building Inspector to contact Hilltop to investigate the condition of their storm system regarding the water problem at 4813 Cooper Drive. She has also asked Mr. Bob Grant to look into the water problem at 4843 Shepherd Street.

Mrs. Mulvena talked about Trash and Recycling. If they see recycled items that are contaminated, they are not going to take it. Mrs. Mulvena said that the Trash Company has asked us to sign a letter that they will pick up the trash and then residents will get notified that things shouldn't have been in recycling. Mrs. Mulvena recommends not signing this letter. Mr. Donaway agreed. We are going to educate the public about the proper items that should go into recycling.

When the residents call the office to complain that their recycling was not picked up, then they will be told why it wasn't taken. Mrs. Mulvena told the Council that the penalties for trash has changed and to check the clauses in the trash contract.

Mrs. Mulvena said that with the possible Hurricane that we may get, all lids on trash cans should be secure to contain the trash so it doesn't go into the street and clog the storm drains. If anyone sees a drain or inlet clogged with debris, they should contact the Borough Office.

Mrs. Mulvena reported that regarding MS4, we have two inlets that are associated with Hilltop drainage system that are not connected to the Borough drainage system. These inlets predate Hilltop, but they do not currently do anything. Mrs. Mulvena said that if there are areas that don't connect to the system, so we are allowed to remove them. Mrs. Mulvena asked for authorization for A & U to plug these inlets and to remove them from our calculations for the system so it does not look like Hilltop is connected to our system. A motion was made by Mr. LaPera and seconded by Ms. Sawicki. The motion was approved unanimously.

Mr. Donaway mentioned that the sinkhole on Bridgewater Road is starting to cave again. When he was in Senator Killion's office, he asked him to call PennDot to tell them that the temporary repair they made is starting to cave away.

Mrs. Fooks asked how often the employees clean the storm sewer drains. Mr. Donaway said that they do it on a regular basis and have been doing it more often this summer because of all the rain.

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

Mr. Donaway reported that the Public Works has been painting the cross walks where the crossing guards are stationed. They are cleaning the storm inlets on a regular basis. They are cutting the grass and weeding the Butterfly Garden.

Mr. Donaway said that we have a resignation from the President of the AARP Chapter. Mrs. Lorena Guyer has resigned effective immediately due to health problems; if anything needs attention she asked people to contact Harry Seth. Mr. Donaway said he wanted to thank Mrs. Guyer for all the work she has done for the Borough and was sorry to see her leave.

Mr. Donaway said there have been many complaints about the left turn signal onto Brookhaven Road from Edgmont Avenue. We have had people go and look at it to make sure it is working properly and the police have gone out also. Mrs. Mulvena said that the cars have to be sitting right on the loop to trip it. If the car is too far up, or too far behind the loop the turn signal will not register. Mrs. Mulvena will look into this and to have them check that the loop is working correctly.

Mr. Donaway said that we received a letter from the Mills at Rose Valley which is located in Nether Providence. Apparently there is a large sinkhole on the border and they seem to think that it is Brookhaven's problem. They think that it is a result of a broken pipe runoff conduit that came out of the Brookhaven side of the border. Mr. Donaway said he wants to go out with Mrs. Mulvena to look at it and to see how to get it fixed.

Mr. Donaway reported the following items:

~ The Parade Fun Raiser is a Designer Bag Bingo with a twist and will be held on Friday, October 12th in the Municipal Center. The cost is \$25 in advance and \$30 at the door. All proceeds will go to the Parade and to Town Watch. There will be a Parade Committee Meeting on September 12th.

~ It will be mid-October before we find out when our new bleachers are coming in for the gym. The bleachers will be handicap accessible and that will put us one step closer in coming in compliance with ADA for this building. There was a discussion about when they should be delivered. Mr. LaPera said that we should tell the company that we want them delivered in December, as was originally planned.

~ We will start an aggressive street patching problem now. Next year we will have to pave the streets.

~ We received a letter from Delaware County Solid Waste Company stating that there will be an increase in their fees effective January 1, 2019.

~ Judge Miller from Upland asked permission to put a few small signs on our lawn to advertise the Greek Festival at St. George's Church. It was agreed that this could be done.

~ CWA is planning to have lane restrictions to do repairs on Brookhaven Road, Bridgewater Road and Edgmont Avenue. Slow downs will occur during repairs.

~ We received a communication from Mr. Scredenschek from the Brookhaven Business and Community Association thanking the Borough for our support of their 5 K Run which will be held on Sunday, September 23rd. Registration is at 8 am with a 9 am start and will begin and end at Coebourn School. All proceeds will benefit the Sun Valley Class of 2019 for scholarships.

~ Mrs. McKinley will be out of the office until October.

INSPECTOR'S REPORT

BUILDING INSPECTOR – MR. BOB GRANT

During the month of August there were 19 rental inspections, 16 property transfers, 31 permits issued, 67 permit related inspections and 9 property maintenance inspections.

BOARD OF HEALTH – MR. BOB GRANT

There was no report.

PUBLIC FIRE SAFETY OFFICIALY – CHIEF MONTELLA AND/OR MR. BYNUM

Chief Montella said that the CWA had problems with their fire hydrants and they replaced the tops.

FIRE MARSHAL – MR. LESLIE

Mr. Leslie reported the following:

~ It will cost 160 million dollars to replace the radio systems in Delaware County.

- ~ The CWA can do work near the pipeline but a Sunoco Rep has to be present.
- ~ The material we need for Family Day has been ordered.
- ~ Stonehill Apartments will be going up for sale.
- ~ We are looking into the property at 3504 Edgmont Avenue and looking at our Property Maintenance Code to see about the property.
- ~ If residents are having work done, they have to have a permit to do the work.
- ~ Mr. Donaway asked if Sunoco is still unloading by the Swim Club. Mr. Leslie said that they are.

ZONING OFFICER – MR. HAMPTON

There was no report.

PUBLIC DISCUSSION

Chief Montella discussed the Middletown Project. He wants Lincoln Drive and Creek Road checked for damage from the project. Mrs. Mulvena said that she has looked at that road and any damage is not fresh.

Mr. Bob Hudson, Lincoln Drive, said he lives on Lincoln Drive and the road is beat up.

ADJOURNMENT

There was no other business to come before Council. Ms. Sawicki made the motion and Mrs. Fooks made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 8:40 PM.

Respectfully Submitted,

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