

MINUTES
BROOKHAVEN BOROUGH COUNCIL
COUNCIL MEETING
MONDAY, SEPTEMBER 12, 2011
7:30 PM

The regularly scheduled meeting of Brookhaven Borough Council was called to order at 7:30 PM by Council President, John J. Wilwert, Jr. The meeting was held at the Brookhaven Municipal Center.

Mr. Wilwert led in the Pledge of Allegiance to the American Flag followed by Ms. Sawicki reading the names of the Borough residents who passed away during the month of August. A moment of silence was held in their memory.

The record shows all Councilpersons and the Mayor were present and on time. Also present and on time were the Borough Secretary, Ms. MacKenzie from Beatty Lincke and Mrs. Mulvena from Walton, Mulvena & Associates.

Mr. Wilwert said that immediately prior to this meeting a Conditional Use Public Hearing was held for the Dollar Tree store that is proposed to locate in the Cambridge Square Shopping Center. He asked if Council or anyone else present had any questions, comments or suggestions. No one responded. Mr. Linowski made the motion and Ms. Sawicki the second to approve the conditional use application of Dollar Tree subject to the following conditions:

- “1. The applicant shall comply with the comments of the Borough Engineer contained in the Walton, Mulvena & Associates review memorandum dated August 22, 2011.
2. The applicant shall comply with the comments of the Brookhaven Planning Commission dated August 23, 2011.
3. The building plans shall be reviewed and approved under for compliance with the Uniform Construction Code by the Borough’s certified third party.”

Motion carried by unanimous vote. The representatives from Dollar Tree thanked Council for granting them the Conditional Use. They asked when they may expect permits to begin the renovations. Mr. Feindt said tomorrow.

PRESENTATIONS FROM COUNCIL

Ms. Leslie called Lance Corporal Michael James Skinner, 7001 Hilltop Drive forward. She read a resolution honoring him for helping to preserve our freedoms by serving in the U. S. Marine Corps. Lance Corporal has recently returned from serving our country in Afghanistan. Ms. Leslie made the motion and Mr. Donaway the second to adopt the Resolution. Motion carried by unanimous vote. This is Resolution 2011-15.

Mayor Hess called Harry and Carolyn Feindt, 423 Sir Galahad Drive, forward. He read a resolution

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honoring them on the occasion of their 50th Wedding Anniversary. They were married at St. Laurence Church in Highland Park, Upper Darby, PA on September 2, 1961 and have lived in Brookhaven since 1972. Mr. Donaway made the motion and Mr. Linowski the second to adopt the resolution. Motion carried by unanimous vote. Mayor Hess asked if the Feindts had any “words of wisdom” to share. Mr. Feindt said “do anything she says”.

SCHOOL BOARD REPORT – Dr. Holly Acosta was not present tonight.

FIRE CHIEF’S REPORT – Chief Montella

For the month of August, 2011, Chief Montella reported the following statistics:

3 fire incidents, 45 non-fire incidents, 21 mutual aids and 5 drills for a total of 74 events. Broken down this comes to 23 structures, 5 rescues, 5 drills, 11 wires, 1 gas investigation, 3 assists to the police, 2 coverups, 2 smoke investigation and 4 assists to the ambulance. There was \$6,000 in losses to structures and \$200,000 worth of property endangered. There was 1 firefighter injury and 0 civilian injuries, 0 firefighter deaths and 0 civilian deaths. Manpower figures show 74 calls with an average of 20 people responding for a total of 1,010 hours. There were 5 training sessions with an average of 28 participants for a total of 168 hours.

Hurricane Irene kept the fire company busy too. There were 32 emergency calls, 20 assists to the public, 26 firefighters (average) participated in each call and 488 hours in service during this 2-day emergency. Mr. Linowski on behalf of his family and his neighbors, extended sincere thanks to the firefighters, police, emergency management and all others who worked so hard to keep the Borough safe during this storm.

PUBLIC DISCUSSION – No one wished to address Council.

ARBOR/SHADE TREE CHAIR, EMERGENCY MANAGEMENT ADMINISTRATION CHAIR, AND VETERANS’ GROUPS – Ms. Leslie

Ms. Leslie said the Albert Merlino Memorial American Legion Post meets here at the Municipal Center the second Thursday of the month at 7:00 PM.

Our Butterfly Garden won third place in the Penn State Master Gardeners Contest—Community Gardens Division. She will accept the award on September 24 at noon and then come to Family Day.

Zumba Classes began tonight and will continue every Monday and Thursday in the Community Room. The cost is \$5 per person and part of the proceeds will benefit the Arbor/Shade Tree Committee.

Ms. Leslie continued her report saying that the Emergency Management Team was well prepared for

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Hurricane Irene. Under the direction of George Cornog and Bob Jones, everything ran smoothly. They were thrown right into their first event with the Borough and did not even bat an eye—they jumped right into the hurricane with both feet. Everyone did a fantastic job helping the residents that were displaced due to power outages and some flooding. She thanked all of the Borough employees and volunteers who worked and helped out around the clock before, during and after the storm. Their time and effort was greatly appreciated. Thanks also to the businesses who generously donated food and other items that were needed.

MINUTES APPROVAL

Mr. Linowski made the motion and Ms. Leslie the second to approve the July 25, 2011 Workshop Minutes as presented. Motion carried by unanimous vote.

Ms. Leslie made the motion and Mr. Linowski the second to approve the August 1, 2011 Council Meeting Minutes as presented. Motion carried by unanimous vote.

SOLICITOR’S REPORT – Ms. MacKenzie

Ms. MacKenzie said she had no action items tonight.

Regarding code enforcement matters, Ms. MacKenzie said she will go back through her files and put something together as reference materials. She will also get blight information to Mrs. Warfield.

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

Ms. Sawicki presented the Bill for Approval List dated 09/12/11. Including the recycling items purchase, the total for the Bill List is \$98,791.61. She made the motion to approve the bills for payment. Mr. Linowski made the second. Motion carried by unanimous vote.

Ms. Sawicki read line by line the Police Pension Plan and Non-Uniformed Pension Plan Financial Requirement and Minimum Municipal Obligation Budget for 2012. The figures are as follows:

| | Police Pension Plan | Non Uniformed Pension Plan |
|---|---------------------|----------------------------|
| 1. Act 44 Distress Level | 2 | 2 |
| 2. Total Annual Payroll Estimated Payroll | \$636,350 | \$428,920 |
| 3. Normal Cost as a Percentage of Payroll (Derived from latest actuarial valuation) 1/1/11 | 8.68% | 5.21% |
| 4. Total Normal Cost (Item 2 x Item 3) | \$ 55,235 | \$ 22,347 |

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| | Police Pension Plan | Non Uniformed Pension Plan |
|---|---------------------|----------------------------|
| 5. Amortization Requirement (Derived from latest actuarial valuation) | \$355,521 | \$ 0 |
| 6. Total Administrative Expenses (Derived from latest actuarial valuation) | \$ 4,975 | \$ 4,997 |
| 7. Financial Requirement (+ Item 4 + Item 5 + Item 6) | \$415,731 | \$ 27,324 |
| 8. Total Members Contributions | \$ 31,818 | \$ 0 |
| 9. Funding Adjustment (Derived from latest actuarial valuation) | \$ 0 | \$ 2,736 |
| 10. Minimum Municipal Obligation (+ Item 7 – Item 8 = Item 9) | \$383,913 | \$ 26,785 |
| 11. Act 44 Amortization Reduction (+ Item 5 times 25%) | \$ 88,880 | \$ 24,588 |
| 12. Act 44 Minimum Reduced Municipal Obligation (+ Item 10 – Item 11) | \$295,033 | \$ 0 |
| Note: Minimum Municipal Obligation Based Upon Market Value of Assets | \$447,207 | \$ 28,364 |

Ms. Sawicki made the motion and Mr. Donaway the second to adopt the Financial Requirement and Minimum Municipal Obligation Budget for 2012 for the Police Pension Plan. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Ms. Leslie the second to adopt the Financial Requirement and Minimum Municipal Obligation Budget for 2012 for the Non-Uniformed Pension Plan. Motion carried by unanimous vote.

Ms. Sawicki reviewed the Budget Schedule contained in the Workshop Minutes. The third reading and adoption of the Proposed 2012 Budgets is scheduled for the December 5 Council Meeting.

Ms. Sawicki and Mrs. Mulvena discussed the recommendation of retaining the services of George Emon to review the paperwork and figures supplied to the Borough by Southwest Delaware County Municipal Authority (SWDCMA). They recommend authorizing up to 5 hours of his services at \$200 per hour. His qualifications were discussed and said his input and review would help us see what we want to do with the SWDCMA. The solicitor's office will contact him to review the paperwork. Ms. MacKenzie said his review will bring Council up to date. We have this proposed diversion from SWDCMA to DELCORA. The engineer and solicitor did have a few meetings with DEP and SWDCMA to go over the material. Ms. MacKenzie said she is not an expert on the authority or municipal financed matters. Mr. Emon is well know. He was asked if he would be willing to look at our paperwork and give his recommendation to Council. Mr. Donaway asked what Mr. Emon's background was again. Mrs. Mulvena said he worked on DELCORA's by-laws. Mr. Linowski asked how much money are we going to spend on this situation. How many millions of

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dollars is SWDCMA going to charge us? If we can't afford it, why are we continuing to spend money—620 EDU's plus 448 tie-ins. Who is going to support all this money? The Borough? The 620 homes? SWDCMA is not going to give it to us. Mrs. Mulvena said we do not know how much it is going to cost us. SWDCMA gave a breakdown of the next 40 years. We found out they did omit some things from the breakdown. That's one of the reasons we wanted to speak to Mr. Emon. What is considered reasonable? Mr. Donaway said right now he is a little confused. Mrs. Mulvena said SWDCMA's Board will meet at the end of this month and they have not voted on this. Mr. McCray said "is SWDCMA OK to negotiate? Ms. Sawicki made the motion and Mr. Donaway the second to retain the services of George Emon at \$200 per hour for a maximum of 5 hours. Motion carried by unanimous vote.

MAYOR'S REPORT – Mayor Hess

Mayor Hess said that at the October Council Meeting he will release the names of the top three candidates for the full-time police officer vacancy.

Officer Parrott's broken wrist had to reset and Officer McGoldrick's ankle doctor will not release him to return to work yet.

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

Mr. Linowski said he was "overwhelmingly impressed" with the September 11 10th Anniversary Memorial Service yesterday. Congratulations to John Wilwert and Town Watch, the firefighters/emts, police, scouts, speakers and all others who showed up and/or participated. "It was an amazing day in Brookhaven".

The Zoning Hearing Board will hear two cases on September 13. They are as follows:

1. Anthony Bellace, 718 Trimble Blvd.– Relief from Section 1248.08
50' Rear Yard Setback
2. Alexander Murrison, 3704 John Dr.-Relief from Section 1248.06
10' Side Yard Setback

Mr. Linowski said the Ordinance Committee will be reviewing the Trash/Recycling Ordinance so that it explains single stream recycling, bulk trash pickups weekly now with only 3 items permitted—no imported bulk trash, setting times when trash can be put out, e.g., not before 6:00 PM the night before. Putting it out too early can be a health hazard. Other items that need to be addressed by ordinance are grease traps in businesses and the laterals. We can not enforce televising laterals until we adopt an ordinance that mandates it. I&I is a big problem in Delaware County.

Mr. Hampton's Zoning Report was read—He issued 2 permits for businesses, 3 sheds, 1 pool, 1 wall, 6 fences, 4 signs. He denied one addition and 1 garage. These are the above two hearings.

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

Mr. McCray announced that tomorrow night at Our Lady of Charity Church, Mr. Linowski will be installed as Faithful Navigator for the Cardinal Dougherty Assembly of the Knights of Columbus. Congratulations!

Family Day Tickets will be distributed Monday through Friday between the hours of 11:00 AM and 1:00 PM. Tonight is the last evening signup. The last day to sign up is September 16.

Mr. McCray said PennDOT has milled several areas in Brookhaven and surrounding communities. It can become very slippery. Please drive carefully.

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

Mrs. Erickson thanked the Emergency Management Team and all others who did such a good job during Hurricane Irene. Mr. McCray agreed and said thanks too.

Flu Shots will be administered here on October 6 from 11:00 AM until 1:00 PM. Flyers are being printed. The shot is free to Personal Choice, Keystone and Medicare participants; otherwise, its \$20.

There will be a food safety program here at the Municipal Center on October 5 at 6:00 PM. This was also discussed at Workshop.

The Brookhaven Business and Professional Association will be meeting this Wednesday at 7:00 PM at the Municipal Center.

The electric wires and other storm related obstructions that were on Creek Road are now gone and PennDOT has opened the street. Mrs. Erickson thanked the Police Department for citing the people who moved the barricades and passed through the closed part of the road. Mr. Wilwert said all of the Borough's barricades were destroyed by people driving through them or moving them when we had them set up on Creek Road when we had to close it to traffic. We called PennDOT and they put their signs up. PennDOT has requirements for those road closed signs and using PennDOT specifications, Gary Thompson will be making some for us. We had to close the road ourselves because PennDOT waits too long.

COMPREHENSIVE PLANS, PLANNING LIAISON, LONG RANGE DEVELOPMENT, CONDO ASSOCIATION CHAIR AND HOLIDAY PARADE – Mr. Donaway

Mr. Donaway asked if the American Red Cross was doing a run through the Borough. Mrs. Erickson said not that we have heard of.

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The Brookhaven Planning Commission will meet on September 27 at 7:30 PM to review the DELCORA Act 537 Plan.

The next meeting of the Holiday Parade Committee will take place on September 14 at 7:30 PM. Things are getting serious—the Parade is November 19 and the Committee is working hard.

Mr. Donaway said he still hasn't heard from the Homeowners Association at Traditions at Ridley Creek about he and Mr. Linowski meeting with that group to discuss their concerns.

ENGINEER'S REPORT – Mrs. Mulvena

A printed Engineer's Report was included in the meeting pack for tonight. Topics covered on the report are FY 2011 Ordinary Street and Sewer Maintenance Program; Municipal Employee Stormwater Training Wednesday, September 21, 2011; Delco Energy Efficiency Grant; Municipal Center Cooling Unit Installation; Traffic Signal Standards; DEP Notification on Demolition Projects; Ordinance to Regulate Disposal of Grease; Pulte Resident Complaints; PECO Act 129 Rebate Program; NPDES MS4 Extension of Current Permit; Emergency Pre-Emption Permit Modification; PennDOT Curb Cut Ramps and Stormwater Management "Tip of the Month".

Mrs. Mulvena said that the Bids for Ordinary Street and Sewer Maintenance were opened on August 22 at 7:00 PM. The scope of the work includes maintenance for storm sewers; sanitary sewers; streets; and concrete appurtenances through the Borough. Pricing was obtained using both prevailing and non-prevailing wages depending upon the scope of the projects that may arise. Since no projects have been identified and these contracts are indefinite quantity contracts, she recommended that the following contracts be awarded to the lowest responsible bidders for the various lots and that Performance and Payment Bonds at 100% of the level of effort be required at the time that work is identified. Ms. Sawicki made the motion and Ms. Leslie the second to award to A. F. Damon Company, Upland, PA the following: Lot 1, Lot 2, Lot 3, Lot 5 and Lot 7. Motion carried by unanimous vote. Ms. Sawicki made the motion and Mr. Donaway the second to award to JMC Contractors, Inc., Glen Mills, PA the following: Lot 2, Lot 5, Lot 6 and Lot 8. Motion carried by unanimous vote. Mrs. Mulvena said that Lots 2 and 5, the Time and Material Pricing, is awarded to each contractor who is given a contract for specific work; e.g., storm sewer; sanitary sewer; street maintenance. The Time and Material lots are used only if something comes up that was not anticipated and we do not have pricing for that particular scope of work in any of the other Lots.

Mrs. Mulvena recommended that some of the municipal employees attend the NPDES Stormwater Training in Yeadon on Wednesday, September 21 from 10:00 AM until Noon. Mr. Wilwert will speak to Public Works about sending some people to this training session. Council, firefighters and anyone else who would like to attend will be welcome. There is no cost to participate.

The installation of the cooling tower has been delayed until some time in October.

There have been discussions about the proposed gate at the Williamson Avenue end of Traditions at

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Ridley Creek and the fact that the emergency vehicles will need a device to open the gates. Pulte Homes has offered \$1,200 toward the cost of the devices and installation of them in our police cars. Mr. Linowski asked if the opticon would be put on both sides of the gate—in and out. Mrs. Mulvena did not know because she hasn't seen the plans.

Regarding the PECO Act 129 Rebate Program, Mrs. Mulvena suggested that the Borough replace the balance of the Mercury Vapor streetlight fixtures in the Borough. We need 122 fixtures to do that at a cost of \$205 per fixture. The lights will be installed by the Borough's streetlight maintenance contractor. Ms. Sawicki said 50 would be the appropriate number for this year. Mr. Linowski made the motion and Ms. Sawicki the second to purchase 50 fixtures at a cost of \$205 each. Motion carried by unanimous vote.

Mrs. Mulvena read the Stormwater "Tip of the Month" in its entirety. It concerned checking rainwater conductors or downspouts to make sure they are positioned so that they are conducting rainwater on to a grassy or on to a porous surface. Also aim the conductors away from your house or garage so that the water doesn't seep into the structures.

INSPECTORS' REPORTS

BUILDING INSPECTOR – Mr. Feindt

Mr. Feindt said he had a phone call from Mr. Prox on Williamson Avenue. He said do not put the gate in at Pulte. It's illegal. Mr. Wilwert said to give Mr. Prox Mrs. Mulvena and Ms. MacKenzie's phone numbers.

Mr. Feindt will be attending two classes for a "sneak peek preview for 2012 changes". It is getting ridiculous. Right now we are shy some inspectors in Brookhaven and we must use a third-party service for these inspections.

BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield encouraged representatives from the sports groups, senior citizens groups that meet here and others to attend the food safety class. Mr. McCray will get information on the sports groups' leaders to Mrs. Warfield so they can be notified of the class.

FIRE MARSHAL – Mr. Leslie

Mr. Leslie asked who agreed for Pulte to give ½ of the money for the devices in the police cars. He thought at one point that it was a gift from them and they were paying all of the cost.

A flow test on the fire hydrant at Trimble Run has been conducted. Everything is fine at that hydrant. Hilltop Summit needs to do one too and he will let them know.

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The gas station/car wash at 3919 Edgmont Avenue will be treating water for at least another 2 years at a minimum. They are treating 15,000 gallons a day.

Full Gospel Assembly at 301 Edwards Drive will be opening a day care. There will be 18 children there Monday through Friday.

The business at 24 Upland Road has asked for an inspection and other inspections are on-going.

Mr. Leslie reported that all of the information needed for Fire Prevention Week and throughout the year has been either ordered or has arrived. He said we can't overlook fire prevention.

A new Fire Marshal's Inspection Form is being prepared.

Mr. Leslie said he feels that the Borough is losing money on permits for fire alarms and sprinklers. Ms. MacKenzie said that Ms. Kushto might want to revisit this matter. They can give us sample ordinances that would cover this subject.

A word of warning from Mr. Leslie—"CFL light bulbs do not go on dimmer switches. If put in fixtures on dimmer switches they will burn your house down."

Mr. Leslie said we need a new large American Flag to be used when we welcome soldiers home from duty. The one he has been lending us is becoming worn out.

EMERGENCY MANAGEMENT COORDINATOR – Mr. Cornog

Mr. Cornog thanked everyone for their help during Hurricane Irene. The clean up lasted for days.

Regarding the sirens that were donated to us by Springfield, they have been silent for 10 years and before we spend money to mount them, they will be inspected and tested to make sure they work.

A post-emergency meeting was held with the Emergency Management Team to go over how things were handled during Hurricane Irene and get suggestions for the future.

PRESIDENT'S REPORT – Mr. Wilwert

Mr. Wilwert said there were two permits to solicit donations that needed to be voted on tonight. Mr. Linowski made the motion and Ms. Sawicki the second to waive the permit fee for James Brown, representing the VFW to solicit at Pathmark on September 9, 10 and 11. Motion carried by unanimous vote.

Ms. Sawicki made the motion and Mrs. Erickson the second to waive the permit fee for The Eddie Francis Cancer Foundation to solicit donations in front of Pathmark on September 16 and 17. Motion carried by unanimous vote.

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Mr. Wilwert spoke about the September 11 Memorial Service. He said that Town Watch tried to make it a special day. They wanted to have some additional speakers. He thanked everyone—the guest speakers, clergy, fire company, police officers, the scouts, bugler, and everyone else who participated and/or came to the Service.

PUBLIC DISCUSSION

Mr. Linowski asked Mrs. Mulvena if the Shell Gas Station at 3919 Edgmont Avenue is the Borough is working with Shell for the waste water being taken out. Mrs. Mulvena said yes, Delilah McDade, the Borough Treasurer, sent them a bill.

Bill Eppright from 201 Cambridge Road encouraged Mr. Linowski and the Ordinance Committee to be careful with amendments to the Trash Ordinance. The wording must be explicit so that people don't store their trash on their front lawn before putting it to the curb. Mr. Eppright wanted some clarification on the DELCORA Act 537 Plan. It looks like DELCORA going to take over SWDCMA's lines. What about the homes in Brookhaven that are in the SWDCMA system if the Borough doesn't go into the proposed DELCORA Act 537 Plan? It was explained that we would have to put together our own Act 537 Plan for the 600+ units in Brookhaven. Council feels that we should look at alternatives because the figures given to us were so weak Council could not make a honest decision whether to stay in SWDCMA or buy the SWDCMA lines and move the sewage to our plant. Mr. Linowski asked what the cost of the lines is. Is that being billed to the whole Borough or those 600+ people that are not in the Brookhaven Sewer Plant system or in DELCORA?

There was no more business to come before Council. Mr. Linowski made the motion and Mrs. Erickson the second to adjourn. Motion carried by unanimous vote.

Respectfully Submitted,

Mary Ellen McKinley
Borough Secretary