

**MINUTES**  
**BROOKHAVEN BOROUGH COUNCIL MEETING**  
**MONDAY, SEPTEMBER 14, 2020**

At 7:00 PM Council President Terry Heller called the regularly scheduled Brookhaven Borough Council Meeting to Order. Mr. Heller led in the Pledge of Allegiance to the American Flag.

The record shows the meeting was held by Virtual Teleconference and the following people participated in the meeting by Zoom: Council President Mr. Heller, Councilpersons Ms. Sawicki, Mr. Vazquez, Mrs. Fooks, Mayor Hess, Mr. Pappas, Engineer Mr. Catania, Solicitor Mr. Wills, Brookhaven Office Manager Mr. Wilwert, Acting Police Chief Zebley, Fire Chief Montella and Fire Marshal Leslie. Mrs. Heller was not present. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

Mr. Heller told Mayor Hess that he will be missed when he retires. Mayor Hess read the names of the Brookhaven residents who passed away in the month of August. They are: Eleanor McCaney, Dolores Trovatore, Olive Bateman, Catherine Wooten, Michael Rubillo, Anthony Seman Jr. and John Fooks (Councilwoman Donna Fooks' Husband). A moment of silence was observed in their memory.

**PUBLIC DISCUSSION**

David Duplicki, Trimble Blvd, wanted to give an update about the upcoming election. He wanted to address Council to see if they could do any advertising on the Borough's standpoint. He has spoken to Mr. Savage at the Chester warehouse that distributes all the polling equipment to the precincts. Council has already voted to go back to the normal voting locations for the general election in November. Mr. Duplicki said that the voter registration still shows Coebourn School as the voting location but Mr. Savage said he shows that the machines are going to the normal locations.

Mr. Duplicki said he will keep checking his voter registration to make sure the system gets updated. Mr. Duplicki asked if it could be put on the Borough sign that voting is going back to the normal locations. The 1<sup>st</sup> Precinct is Borough Municipal Center, 2<sup>nd</sup> Precinct at Our Lady of Charity, 3<sup>rd</sup> Precinct at the Real Church, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Precinct at Borough Municipal Center. Mr. Heller said we will put it on the sign and also on our website and our official Face Book pages. Mrs. Sawicki asked if the voting for all precincts could take place at the Municipal Center. Mr. Duplicki said it would be very hard to social distance if all the voting took place there. All the social distancing protocols will be in place and this election will be massive. Mr. Duplicki received clearance from Pastor Bennett at the Real Church and from Father Lyons at Our Lady of Charity Church that the voting can take place at those locations and we can be more spread out using these locations. Mr. Duplicki needs help to advertise the location of the precincts and he needs eight to ten more poll workers. He asked Ms. Leslie to check with her mother to see if she is still interested in being the Judge of Elections at Charity and he will check with the other Judge of Elections for their status. Mr. Heller thanked Mr. Duplicki for all his work.

Jason Bush, Trimble Blvd., said that when the storm rolled through on August 4<sup>th</sup>, it caused sewage backup to his home. He asked Council if there is anything they can do for them. They are now living out of one room in their house as a result of the storm because there was sewage through the whole downstairs of their home. They had to remove all of the flooring and have it cleaned and sanitized. Mr. Bush said he is waiting for the Brookhaven Borough's Insurance Company to get back to him; his Insurance Company's denial letter was sent to Brookhaven's Insurance Company.

Mr. Bob Grant had inspected the damage and said it was the Borough's issue. Mr. Heller said the back flow preventer failed. Mr. Bush said he and his wife are looking to have this problem resolved. Mr. Heller said he will talk to Ms. Sawicki and Mr. Wilwert about the problem and would call Mr. Bush after this meeting to discuss it.

Vawn Donaway, John Drive, wanted to talk about some of the things that have happened during the time Mr. Hess was on Council and was Mayor. When Mr. Hess was on the Recreational Board, he had a big part in establishing the first Family Day and he had a big part into turning a Boy's Baseball Field into a Girls' Softball Field so the girls could play. Mr. Donaway said that having the Municipal Building erected was one of the hardest things they did because most people were not for it, thinking that their taxes would be raised. There were many public meetings about this and Mr. Hess was a part of this. The new building gave the basketball teams a place to play and they have been able to thrive. Mr. Hess helped to push for our Holiday Parade and he has been the announcer for the parade every year. Mr. Hess was a big part in establishing Garzia Park and having the park named after Mayor Ralph Garzia. Mr. Hess had a big part in revitalizing the store fronts on the businesses along Edgmont Avenue. Mr. Donaway said he wanted to thank Mayor Hess for all his services to Brookhaven and to wish him and his family well as they go forward. Mayor Hess thanked Mr. Donaway for his kind words.

**SOLICITOR'S REPORT – MR. JAY WILLS**

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

3607 Victor Avenue – The Borough had contracted with a local clean out company to remove all the trash, junk and debris from the property. Mr. Wills has filed a Municipal Lien for Nuisance Abatement with the Delaware County Court to recoup the Borough's cost for the trash removal. Mr. Heller said that we are not done yet with this property.

Brookhaven Storage – We are presently awaiting submission of the Final Reverse Subdivision Land Development Plans for execution by Borough Officials and the recording of those plans by the Delaware County Court House. Recently the developer has reimbursed the Borough for \$3,245 for outstanding professional fees incurred by the Borough in reviewing these plans and applications.

Carman's – This is the property on Edgmont Avenue. It is under an agreement of sale and is scheduled for closing later this month. Mr. Wills will be attending the closing and at that time the Borough will be recouping all the fees and costs it has accrued to date as a result of that particular process. We still do not know the intended use of the property but Mr. Wills said they have to comply with the present Zoning or they will have to seek a Zoning change.

Pando Development – They are developing seven single family homes off of Brookhaven Road. Mr. Wills has consulted with the Borough Engineer and he has made two recommendations with regard with a partial release of escrow funds for certain public improvements. Mr. Wills has before Council two separate resolutions. One resolution would release the sum of \$44,440. This has been approved and recommended by the Borough Engineer. A motion to release the sum of \$44,440 of escrow was made by Mr. Vazquez and it was seconded by Ms. Leslie. The motion was unanimous.

The second resolution is a supplemental resolution for a release of escrow for public improvements in the amount of \$22,374. A motion to release the sum of \$22,374 of escrow was made by Ms. Leslie and it was seconded by Mr. Vazquez. The motion was unanimous.

Zoning Hearing Board Applications – Mr. Wills has drafted a new Zoning Board Application, instruction materials and fee schedules. Mr. Wills has reviewed the current fee schedule and it does not properly compensate the Borough for the cost expended for the processing of the applications. Mr. Wills would suggest that we adopt this resolution that modifies the present Zoning Board fee schedule. A motion to adopt this resolution for the new fee schedule was made by Mr. Vazquez and it was seconded by Ms. Leslie. The motion was unanimous.

701 Marshall Road – This is a property that has been plagued with chronic property maintenance issues. Pro Clean Out was authorized to take care of the property and clean it out. This has been resolved and the Borough has been reimbursed for the costs the Borough incurred for the clean-up process for this property. Mrs. Fooks asked if we cleaned up the back yard. Mr. Heller said that we need a Court Order to do that; he spoke to the property owner and we are going to attempt to get the owner to do it. Mr. Wills said that the rear yard is fully fence in and we are trying to get the owner to voluntarily bring the property into compliance. Mr. Heller said that they will give the owner one week from today before we proceed to get the Court Order. Mr. Leslie said we should start the process tomorrow. The property has been that way for ten years and the property is a mess. Mr. Heller said that we will wait one more week. No Council member objected to waiting one week before starting Court proceedings.

Ballot Drop Box License Agreement – The Delaware County Board of Elections has been in touch with the Borough and are requesting that we have a secure Ballot Drop Box installed either outside or inside the Municipal Building to ensure that voters have their ballots received and tabulated by the Election Bureau in a timely fashion. The Delaware Board of Elections is requesting that the Borough enter into a valid Drop Box License Agreement authorizing the installation of the box whether it be inside or outside the Municipal Building. Mr. Wills said that a motion would be in order to approve and execute a Ballot Drop Box License agreement with the Delaware County Board of Elections. Mr. Heller asked if there is a time frame on the Ballot Box. Mr. Wills said that there is a termination clause that provides that either party has the right to terminate this license agreement within 30 days written notice to the other party. The Delaware County Board of Elections wants a Drop Box to be allotted to all 49 Municipalities. Mr. Heller said he is in favor of it especially during the Pandemic. Ms. Sawicki asked if the box can be put inside the foyer to protect it so no damage comes to it. Mr. Heller said we are limited to the time that people can drop off the ballots. Mr. Wills said the Borough has the discretion to place the box either inside or outside the building. Mr. Heller said we can talk about the placement of the box at a later time. A motion was made to enter into a Drop Box License Agreement with the Delaware County Board of Elections to place a Drop Ballot Box at the Municipal Building by Ms. Sawicki and it was seconded by Ms. Leslie. The motion was unanimous.

#### MAYOR'S REPORT

Mayor Hess reminded everyone that the deadline for completing the U.S. Census is September 30<sup>th</sup>. It is quick and easy to complete, only ten questions.

The responses from the Census directs several millions of dollars of federal funding to local communities like Brookhaven for schools and roads and other public services. If you haven't completed it yet, you can go to [www.2020census.gov](http://www.2020census.gov) and complete the questionnaire.

Mayor Hess said that he announced at the Workshop that he is vacating his position as Mayor effective September 30, 2020. It was a difficult decision but he felt he was one of the best decisions he and his family could make as they move on to the next chapter in their lives. Mayor Hess said he will only be 8-1/2 miles away; he wanted to thank the Council members for their friendship and support over the last 41 years. Mayor Hess said that he wishes the newly appointed Mayor and the Council members continued success. Mayor Hess said that if he can be of any service, he will only be a phone call away. He will be happy to give his time and experience.

**FIRE CHIEF – ROBERT MONTELLA**

Chief Montella said he forwarded his report to Council for the month of June and reported the following for August, 2020:

- ~ 4 fire incidents
- ~ 40 non fire incidents
- ~ 37 calls for mutual aid
- ~ 3 drills

Total calls of 84 for the month and 433 calls for the year. We had \$3,000 loss of structure, \$10,000 loss on contents for a total of \$13,000. We had \$250,000 property endanger loss and for the year we had \$1,050,000 property endanger loss and one fire fighter injury for the month and one civilian injury for the month.

**Manpower**

- ~ 83 calls for the month
- ~ average of 15 fire fighters per call for month
- ~ 939 personnel hours of service for the month
- ~ 4,918 hours for the year
- ~ 3 training sessions for the month; 15,789 fire training hours for the year
- ~ average of 25 fire fighters
- ~ 175 personnel hours of training for the month; 1,789 hours of training for the year

We responded to the following fire incidents:

- ~ building fire at 716 Cambridge Road involving a second floor bedroom with two residents trapped inside the building. The residents were removed from the building by our Assistant Chief Leslie and two Police Officers on the arrival of the Fire Department. The fire was contained and under control in 15 minutes.
- ~ building fire at 4540 Marianne Drive contained by a light fixture in the basement

We had accidents at the following locations:

- ~ 352 and Grandview Road
- ~ 3300 block of Edgmont Avenue
- ~ 4098 Edgmont Avenue

We assisted:

- ~ Chester Township Fire Department on a building fire at 1235 Elson Road
- ~ Upland Fire Department at a building fire at Crozer Hospital

~ Rocky Run Fire Department on a building fire on 1083 W. Baltimore Pike and 275 Glen Riddle Road

~ Concordville Fire Department on a building fire on Smithbridge Road

Monthly fire training was truck work, opening up roofs and high rise lines and a review of our recent fires and a critique on the fire and a scenario class on the fire itself.

The storm report from the August 4<sup>th</sup> storm

~ responded to 26 storm emergencies

~ water rescues at Brookhaven and Bridgewater Roads, Lincoln and Dutton Mill Road, Dutton Mill and Creek Road, 670 Creek Road in Middletown, Incinerator Road and Race Street in Upland and Chapel Hill and Ridley Creek Road in Upper Providence Township.

Brookhaven Fire Company members were involved in rescues of four people stranded in high water in trapped vehicles. We also assisted in rescuing another six people in high water as well as other incidents involving water rescues.

The storm rescues involved an average of 12 fire fighters and 88 man-hours of cleanup with the storm events with an average of 37.3 hours of cleanup time.

Brookhaven Fire Department was just awarded the AFG Grant for 2019 for 37 new SCVAs. Ours are coming out of compliance next year. The award from the Federal Government was \$244,904 and the Fire Department's share of that grant is \$12, 225.25

#### Ambulance Report

~ 170 ambulance calls

~ 107 transports to the hospital

~ 105 were dispatch ALS calls

~ 65 were dispatch BLS

~ 114 local calls in Brookhaven

~ 56 mutual aides

~ we have responded to 1,105 ambulance calls this year

We have had zero positive COVID transports within the past seven weeks. Mr. Heller commended Chief Montella and the Fire Department for the work they did during the storms.

#### POLICE CHIEF REPORT – ACTING CHIEF ZEBLEY

Acting Chief Zebley reported the following for August, 2020:

~ the Brookhaven Police were assigned 816 CAD assignments through DELCOM.

~ 1 Aggravated Assault (arrest); 1 Arson (arrest); 2 DOA/death investigations; 2 burglaries; 1 retail theft (arrest); 1 attempted theft; 2 unauthorized use of automobiles (arrest in both); 4 criminal mischiefs; 1 narcotics arrest; 4 DUI arrest; 4 public drunk arrests; 2 Harassment complaints; 2 Terroristic Threats complaints; 1 Escape/resisting arrest incident; 1 trespassing; 19 suspicious conditions were investigated; 16 disturbances which include domestic complaints; investigated 18 alarms; 22 hazardous conditions/Fire Company calls; 19 vehicle accidents; 25 assist other departments; 1 arrest warrant served; 19 adults were arrested; 1 juvenile was arrested; 26 citations were issued or filed; 26 warnings were issued.

Acting Chief Zebley said there were storm and flooding issues from the tropical storm on August 4<sup>th</sup>. Acting Chief Zebley wanted to thank Officers Martin and Eastman for their hard work responding to hazardous conditions. Another flooding incident occurred on August 7<sup>th</sup> from heavy rain.

Thank you to Officers Subers and Teofilak for their response, along with the Fire Company and the Highway Department for their professionalism and assistance.

There were a few protests during the month but they were peaceful. There were no issues and extra officers came in to assist. We did establish a presence and ensured safety at the protest.

Chief Zebley thanked Detective Habich and Officer Barth for the recovery of stolen vehicle/unauthorized use of automobile. Officer Barth was on patrol and had the stolen car license plate reader on. He attempted to stop the vehicle but the vehicle left and ended in a dead end street.

Excellent work to Officers Tuttle and Teofilak for their response to an intentionally set house fire. Officer Tuttle worked with the Fire Marshal and the subject involved was charged with Arson.

Good job to Officer Duff for investigation and arrest of subject who fled from a traffic stop.

Chief Zebley said we had a Burglary at Prime Tobacco; they smashed the window and grabbed what they could. Suspects have been identified when the crime spree culminated and ended in Chester City. The suspects were hitting several businesses in Delaware County. The case has been turned over to the District Attorney's office.

All officers are utilizing their personal protective equipment and staying healthy amid the COVID-19 pandemic. We are currently working with the Police Committee to set-up interviews for the hiring of part-time police officers and we will be conducting hiring process soon. Acting Chief Zebley said he has addressed a few minor personnel issues during the month of August to improve patrol, officer safety and improve relations with the community. We have resolved a personnel issue that occurred before Acting Chief Zebley was appointed Acting Police Chief.

Officer Wetten conducted firearms training and qualifications for Officers Subers, Duff, Habich and Zebley. Four officers are enrolled and scheduled for a four day training seminar in September to enhance skills in interviews, field interviews and deception detection. One officer is enrolled and scheduled for active shooter response in October. One officer is enrolled and scheduled for training conducted by the NRA to become a rifle instructor for our department. This will assist in training of our department members and to assist with contingency and span-of-control issues. In-service training will be conducted in September for use-of-force which includes training and certification with the Taser, Pepper spray and baton. De-escalation training is being pushed back because of COVID until at least November. NRA Handgun and Shotgun instructor school has been cancelled and future classes will be sought. Trainings are currently being sought out for any and all options related to less-than-lethal-use-of-force options such as use of bean bag round and pepper balls. The ice cream event was successful and we had a lot of fun. We gave ice cream out over a span of a couple days and made positive contacts with the community. There are some other community related events in the works. Acting Chief Zebley wished Mayor Hess well with his retirement.

STATE REPRESENTATIVE LEANNE KRUEGER

State Representative Krueger joined the teleconference to congratulate Mayor Hess on his retirement. She said Mayor Hess was the first elected official she met in Brookhaven when she ran for office the first time. She has appreciated working along side of Mayor Hess. Mayor Hess was responsible for getting grants for Brookhaven and bringing tax dollars back to the Borough. State Representative Krueger said she was especially appreciative of Mayor Hess' friendship. He helped start a group of Mayors for a support group. The municipalities have worked together to share ideas and resources to make a better use of taxpayers money.

State Representative Krueger had an official citation for Mayor Hess from Harrisburg. She read some of the excerpts from it and they are: *Honorable Michael Hess is being honored for more than 26 years of distinguished service to the Borough; Mayor Hess served on the Brookhaven Borough Council for 15 years before being appointed as Mayor in February of 2009; Mayor Hess was elected to his first four year term as Mayor in November 2009 and was re-elected in 2013 and 2017. A resident of the Borough for 41 years Mayor Hess started his involvement with the community as a youth sports coach and was involved with the Brookhaven Recreation Committee. He founded Brookhaven Family Day, the Senior Holiday Luncheon, the Halloween Haunted House and Youth Dances. Any definition of a full and productive life must include service to others. Through his many laudable actions and deeds, Mayor Hess has truly proven himself to be an asset to his community and to the Commonwealth.*

State Representative Krueger said that she knows Mayor Hess is moving out of the Borough but she wanted him to know that he will be missed. His service to our community will not be forgotten and she hopes that she can continue their friendship. State Representative Krueger said she was so grateful for his leadership and the things that he has done for the community.

Mayor Hess thanked State Representative Krueger for her friendship. Mayor Hess said that he will be coming back to Brookhaven to go shopping, to eat in the restaurants and to do his banking. Brookhaven is still in his heart and he can't leave without finishing more work. He said he will be available to give any help he can to anyone on Council.

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

Mr. Vazquez reported the following:

Zoning –

The Zoning Hearing Board met on September 8<sup>th</sup> on a special meeting to appoint a Zoning Hearing Officer. The members of the Zoning Hearing Board are of an older age and they are not comfortable using Zoom and some of them are not comfortable coming to an in-person meeting. Matt Stone was appointed the Hearing Officer as a result of that meeting. There are no scheduled Zoning meetings at this time.

Public Works

- ~ There was a sewage backup at 406 Trimble Blvd. This was mentioned at the beginning of the meeting. Bob Grant was notified and the proper paperwork was filed.
- ~ 232 Patton Avenue – sinkhole reported. This was a homeowner issue
- ~ 4450 Marianne Drive – sinkhole. We video tested the line and it is a homeowner issue
- ~ 3452 Victor Avenue – sinkhole reported. This was a homeowner issue
- ~ 3437 Janney Avenue – sinkhole in the street. This will be fixed in the future.

- ~ Whitely Road – we had an emergency call to Cleaver Construction for a sinkhole. A road plate was placed down
- ~ 3544 Edgewater – checked the storm sewer . No issues were found.
- ~ Cleaver Construction completed two storm sewers on Edgmont Avenue
- ~ Some picnic benches at Eaton Park had graffiti on them and they were sanded and painted and placed back into the Park. We received word today that they have already been vandalized today; they will be repainted tomorrow.
- ~ We had new mulch installed in the Fall Zone around the playground equipment at Eaton.
- ~ Security cameras and equipment were ordered for Memorial and Samson Park by M2.
- ~ Grass cutting continues weekly.
- ~ We had 17 new street destination signs placed in the Borough. We had four new safety signs installed.
- ~ We went around the Borough cleaning storm sewer grates. We removed 750 pounds of debris from them
- ~ There were 33 PA One call tickets for August; 533 for the year
- ~ There are no injuries or accidents in the month of August
- ~ There will be a leaf collection for 2020
- ~ 3 employees have completed a two hour online training for swiftwater awareness.

Mr. Vazquez asked for a motion to advertise for two seasonal employees. One is needed for November and December for leaf collection and one is needed from January to March for snow removal. We will advertise in the Spirit and put it on Face Book. This is only for a temporary basis. A motion was made to advertise for this by Ms. Sawicki and it was seconded by Mrs. Fooks. The motion was unanimous.

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

Ms. Sawicki said there are bills that have to be paid tonight. For August the General Fund total is \$185,432.46; the Road Fund is \$594.75; the Sewer Fund is \$11,539.52 for a total of \$197,566.73. A motion to pay the bills this evening was made by Ms. Sawicki and it was seconded by Ms. Leslie. The motion was unanimous.

Ms. Sawicki said that every year in September we have a financial requirement and MMO for the budget of 2021. For our non-uniform Pension Plan the costs for next year is \$28,162. Ms. Sawicki has forms for this that have to be sent into Harrisburg so the actuaries can do their work. A motion to pay \$28,162 for the Pension Fund for Non Uniform Employees was made by Ms. Sawicki and it was seconded by Ms. Leslie. The motion was unanimous. The MMO for the Police Pension Fund amount to be paid for 2021 is \$320,196. This amount is high because we have a lot of people on this Pension. A motion to pay \$320,196 for the Police Pension was made by Ms. Sawicki and it was seconded by Ms. Leslie. The motion was unanimous.

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

Ms. Leslie reported that we will be having our shredding event on Saturday, October 24<sup>th</sup> from 9 am to 12 Noon at the Municipal Parking lot. No electronics will be taken.

There will be a Fire Committee Meeting on Wednesday, September 16<sup>th</sup> at the Fire House with our masks and social distancing.

Delaware County is requesting funding to support the 40 million dollar emergency communications system. They would like support from the First Responders, members of the Business Community and residents. They would like to receive a letter of support from these people. This grant will fund a comprehensive safety project that will enable radio signals to consistently reach the responders and emergency service providers, secure new public safety radio channels, connect First Responders to real time local businesses, hospitals, schools and Universities to ensure that they have direct access during a disaster. They will also support emergency dispatchers, law enforcement officers and the paid and volunteer First Responders that protect the community. Ms. Leslie will put this information on the website and social media. There is a link where you can get a sample letter that you can copy and paste and then send it in. They all need the support they can get so they can get the funding for this project.

Ms. Leslie said that at the Workshop she thanked the Police Department, the Fire Department, the Public Works and Emergency Management for their outstanding efforts during the two back to back storms. Ms. Leslie thanked Mayor Hess for everything he has done for the Borough throughout his years of service and she wished him and his family the best.

MEMBER CONDO ASSOCIATION COMMITTEE, PLANNING COMMISSION LIAISON, MEMBER PERSONNEL COMMITTEE, COUNCIL LIAISON TO CIVIL SERVICE COMMISSION, MEMBER POLICE COMMITTEE, MEMBER PUBLIC WORKS COMMITTEE, CO-LIAISON TO ZONING – MR. PAPPAS

Mr. Pappas had no report but he wanted to thank Mayor Hess for all he did for the Police Department and Mr. Pappas wished him good luck in the future.

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

Mrs. Heller was not present and there was no report.

BUSINESS AND REVITALIZATION COORDINATOR, MEMBER FINANCE AND ADMINISTRATION, MEMBER GRANT COMMITTEE, CO-CHAIR HOLIDAY PARADE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLAN COMMITTEE, CHAIR ORDINANCE COMMITTEE, CO-CHAIR RECREATION BOARD, SCHOOL BOARD LIAISON, MEMBER CONDO ASSOCIATION, CO-CHAIR TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. FOOKS

Mrs. Fooks wanted to thank the Borough and the residents for their support during a very difficult time for herself and her family. She said she is proud to be a resident of Brookhaven. She thanked everyone again for their prayers and concern.

The Ordinance Committee will meet on Thursday, September 17<sup>th</sup> to discuss the Food Truck Ordinance. Council received via email the Welcome Packet that we have been working on for our new residents. Mrs. Fooks thanked Mimi McGovern for all the work she did on this. Mrs. Fooks asked the Council members to review the packet and let her know if there are any changes.

Dunkin Donuts is well underway. We also have a new bakery. It is called the West Branch Baking Company and is located at the Avenue Mall where the green awnings.

Regarding the Technology Committee, Mrs. Fooks said that all Council members have received the ecode360 proposal. The Tech Committee would like to move forward with this. Mrs. Fooks asked Council to look at page 6 and page 8 of the proposal. There is a conversion project price of \$1,763 and it does include quite a few things. Mrs. Fooks said this will be very easy to use on the website and the residents will appreciate it because they can find any Ordinance they need information about. If we move forward with this, the cost will be \$1,195 as an annual fee. Mr. Vazquez said this will completely simplify everything regarding Zoning and will put Brookhaven to moving forward with Zoning and Ordinances. This will help to take some of the work off of Mr. Hampton because the residents can find the answers they need. Ms. Sawicki had a question for Mr. Wills. She said in 1978 we received codification from two companies and we have been working with them for forty years and we have paid more than \$50,000 for all the work they have done. Ms. Sawicki said that the documents we have now are from that company and she asked if we can give these documents to another company. The contract automatically renews every year. Mr. Wills replied that if we have an agreement with an existing company with a contract that automatically renews itself every year, he would suggest contacting the company and to indicate that by the end of the calendar year, December 31, 2020, we wish to sever our relationship with this company. Mr. Wills would highly recommend that we consider a motion that we establish a relationship with ecode360. They have relationships with most of the 49 municipalities here in Delaware County. Mr. Wills has worked with ecode in the past and they are phenomenal and would suggest we go with them ASAP. A motion was made to terminate the contract with our current company on December 31, 2020 and to move forward with ecode360 on January 1, 2021 by Mrs. Fooks and it was seconded by Mr. Vazquez. The motion was unanimous.

Mrs. Fooks said that she and Mrs. Heller have met with Mr. Donaway from the Parade Committee and we are having a Holiday Parade this year. Due to COVID-19 it will be scaled back and there will be some changes to the format. Mr. Donaway said that we are doing away with the Grandstands because we do not want people gathering but the feeling across the board is that it has been a long year for everyone and this would be a nice thing to put a parade together. When we sent out the applications for participants, we found out there was much interest. We are working on that list and reaching out to other people; there will be a Parade Committee meeting on Wednesday, October 14, 2020 at 7 pm in the Municipal Center. Anyone is welcome to attend the meeting. We will not be doing the judging the same as in the past. More details will be forthcoming. Mr. Heller said that all of the Council members are in favor of the parade. Mrs. Fooks said she wanted to thank Mayor Hess for his hard work and dedication over the years and she hopes he is happy in his new home and in his new neighborhood but she knows he will not be a stranger to Brookhaven.

#### **ENGINEER’S REPORT – MR. CATANIA**

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

~ Brookhaven Storage Escrow – we need a motion to approve escrow tabulation in the amount of \$337,231.95. A motion was made by Mr. Vazquez and it was seconded by Ms. Leslie. The second motion is for the secretary to execute PennDOT Form M950. This is a standard form used by the developer to submit application for a highway occupancy permit as part of the project. A motion was made by Ms. Sawicki and it was seconded by Mr. Vazquez. The motion was unanimous.

~ Maintenance Contract – Bids for the Annual Maintenance Contract for Streets and Sewers were received from an on-line bidding service. We received four bids and Mr. Catania recommended the work for the Storm and Sanitary Sewer Maintenance to A to U Services, Inc. at their bid amounts with the secondary contract to Moore Construction Services and asked for a motion to award this contract. A motion was made by Mr. Vazquez and it was seconded by Ms. Leslie. The motion was unanimous.

~ Street Maintenance – Mr. Catania recommended the award for this contract go to Moore Construction Services with their bid amounts with the secondary contract to A. F. Damon. A motion was made by Ms. Sawicki and it was seconded by Mr. Vazquez. The motion was unanimous.

~ 4340 Marianne Drive – This is a sinkhole in the rear yard. Mr. Catania asked for a motion to authorize repair of the sinkhole subject to the findings of the Public Works Department. A motion was made by Mr. Vazquez and it was seconded by Ms. Sawicki. The motion was unanimous.

~ Traffic Signal Maintenance Contract – This is a three year contract with Charles Higgins and is set to expire on December 31, 2020. The current contract has an option for an additional one year period with the mutual consent of both parties. The contract amount is \$2,740. Mr. Catania recommended accepting the one year extension. Mr. Vazquez asked if there were any other interested companies to take over this contract. Mr. Catania said it is under the amount that requires getting bids. Mr. Catania said we could put out written proposals in lieu of putting out a bid. Mr. Heller said he would suggest getting proposals. Mr. Catania asked for a motion to send out proposals for the Traffic Signal Maintenance Contract. A motion was made by Mr. Vazquez and it was seconded by Ms. Leslie. The motion was unanimous.

~ 2020 PA Small Water and Sewer Grant – The Borough received funding for the Charles Avenue project for rehabilitation. Mr. Catania asked for a motion for authorization for the Borough Secretary and related officials to execute the grant documents. A motion was made by Ms. Sawicki and it was seconded by Mr. Vazquez. The motion was unanimous.

~ PennDOT Master Casting Agreement – This is a standard agreement that PennDOT puts out. It is a long term agreement for anytime that work is done. It coordinates the adjustment of the Borough's sanitary sewers. Mr. Catania asked for a motion to execute the agreement. A motion was made by Ms. Sawicki and it was seconded by Mrs. Fooks. The motion was unanimous.

**PRESIDENT OF COUNCIL, CHAIRMAN BOARD OF HEALTH, CHAIRMAN BUILDING COMMITTEE, MEMBER BUSINESS REVITALIZATION COMMITTEE, MEMBER GRANT COMMITTEE, HISTORICAL COMMITTEE, MEMBER LONG TERM COMPREHENSIVE PLAN COMMITTEE, MEMBER POLICE COMMITTEE AND MEMBER PUBLIC WORKS COMMITTEE – MR. HELLER**

Mr. Heller reported that he had a request from Mike Garvey, Vice President of the Rec Board, for a donation of \$500 from the Borough to the Trunk or Treat event to purchase candy. For obvious reasons, they cannot go out and ask businesses for donations at this time. Everyone on Council agreed this was a good idea. There will be a modified version of the Trunk or Treat this year – a drive through version.

Mr. Heller asked Mr. Vazquez to explain about the purchase of a Bucket Truck. He said that he, Ms. Sawicki, Mr. Catania and Dave from Public Works met about Public Works. Public Works was supposed to purchase a new truck this year and exploring the option of buying a tow behind trailer. Mr. Vazquez said he would like to purchase a truck that could do both. We would have a utility pick-up truck to carry tools, ladders, etc. but it would also have the bucket option when needed. This will help with safety so no one is climbing on ladders attempting to cut down limbs on trees or without having to reach out to contractors to trim trees. It could also be used for the banner project and it would result in a savings for the Borough. Mr. Vazquez feels the bucket truck would be a great addition to our Public Works fleet. Mr. Heller said he feels it will be a savings and it is budget neutral. Mr. Vazquez said that a used truck would be around \$40,000 to \$50,000 and the trailer would be another \$20,000 to \$30,000. This would be around \$70,000 for two items. We could combine these two items and get a brand new truck for around \$80,000. The new truck would eliminate the pick-up truck and the tow behind trailer. Mr. Vazquez said he would look into going out for bids.

Mr. Heller said that we are going to do a bit of an experiment regarding the Zoom meetings. We are going to attempt to hold the swearing in of the new Mayor in the gym when that will happen, sometime in October. If that is successful, we may attempt to have the Workshop and Council meetings in person.

Mr. Heller asked for a motion to approve the July 6 Council Minutes. A motion was made by Ms. Sawicki and it was seconded by Ms. Leslie. The motion was unanimous.

Mr. Heller asked for a motion to approve the August 3 Council Minutes. A motion was made by Ms. Sawicki and it was seconded by Ms. Leslie. The motion was unanimous.

Mr. Heller asked for a motion to approve the July 27 Workshop Minutes. A motion was made by Ms. Sawicki and it was seconded by Ms. Leslie. The motion was unanimous.

Mr. Heller said that Mayor Hess' last day will be September 30, 2020. We are accepting applications for the Mayor position until September 30, 2020. Mr. Wills said that in light of the Mayor's announcement that he will be retiring on September 30, 2020, we invite and encourage any interested resident of Brookhaven who may wish to be appointed Mayor to submit their letter of interest as well as their resume to Borough Council by September 30, 2020. Then Council will review the resumes and may conduct interviews, although they are not obligated to do so. Under the Borough Code, Council would have thirty days to appoint a successor. Borough Council would need to hold a public meeting on or before October 30, 2020 to fill the vacancy.

Mr. Wills said that there are minimal requirements for eligibility: all candidates must have resided in the Borough continuously for a minimal period of one year; all candidates must be a registered voter and all candidates must be free of felony convictions.

#### **FIRE MARSHALL – MR. LESLIE**

Mr. Leslie reported that he is going to order a small amount of Fire Prevention material for Christian Academy. They are in school. Ms. Sawicki asked if we can give out some of the Fire Prevention material at the Trunk or Treat. Mr. Leslie said we can and will do it.

Mr. Leslie reported that a man was arrested for the house fire at 716 Cambridge Road for setting the house on fire.

**BOARD OF HEALTH –**

There was no report.

**ZONING OFFICER – MR. HAMPTON**

There was no report.

**PUBLIC DISCUSSION**

Vawn Donaway, John Drive, saw on Face Book information on the CWA. There appears to be pending legislation for a referendum coming up and Mr. Donaway said he would suggest to Council and to the public to keep pressure on the local state officials that it goes that route. Mr. Donaway said he doesn't know how binding the referendum will be but the vote should come before the rate payers.

Mr. Donaway asked if Howard Hampton was still on the job with Zoning since a Public Hearing Officer for Zoning was appointed. Mr. Vazquez indicated that most of the members on the Zoning Board are older and some are not in good health so they do not want to meet in person at this time for meetings and are not comfortable using Zoom. Mr. Matt Stone, as Public Hearing Officer, will be meeting with the residents coming before the Zoning Board and will convey the information to the Zoning Board. Mr. Wills said that the Pennsylvania Municipal Planning Code regulates Zoning Hearing Boards and permits the Zoning members, if they wish, to designate or appoint a Hearing Officer to listen to the particular application and make findings and conclusions, opinions and decisions on behalf on the Zoning Board. Although the Hearing Officer does not have to be an attorney, it is certainly preferable that an attorney be appointed. Mr. Stone is a member of the Delaware County and Pennsylvania Bars and is qualified as a Hearing Officer. Mr. Donaway asked if this was a paying position. Mr. Wills said that he will be compensated, just as the Zoning Hearing Board members are compensated. Mr. Heller asked Mr. Donaway if he had an issue with Mr. Stone filling in temporarily and Mr. Donaway said no, he just didn't understand the duties of a Hearing Officer. Mr. Donaway thanked the Council for their explanation.

Mr. Heller thanked Mayor Hess and said Mayor Hess got him involved here and thanked Mayor Hess for all he has done in Brookhaven.

**ADJOURMENT**

There was no other business to come before Council. Ms. Sawicki made the motion and it was seconded by Ms. Leslie to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 8:40 pm.

Respectfully Submitted,

Mrs. Joan Boyle  
Brookhaven Planning Commission Secretary

