

**MEETING MINUTES**  
**FOLCROFT BOROUGH COUNCIL MEETING**  
**NOVEMBER 15, 2022**

**Location: 1555 Elmwood Avenue, Folcroft PA 19032**

President Papaleo called the meeting to order at 7:00pm

Mayor DiCicco led the flag salute and invocation.

Roll Call (Council President Papaleo was present, Councilmember Leigh Daly was present, Councilmember Tawana Grayson was present, Councilmember Malinda Isaac was absent, Councilmember Lorna Fyffe was present, Councilmember Stephen Ropski was present, Councilmember Ike Wilson was present, Mayor Franny DiCicco was present, Solicitor Alex Baumler was absent, James Gallagher was present, Secretary/Manager Andrew Hayman)

**Audience Participation**

There was no audience participation.

**Engineer's Report**

The engineer was not present but would arrive later.

**Public Finance & Administration - Mr. Papaleo**

- A motion to approve the bill list for the month of October, 2022 was made by Ms. Daly and seconded by Ms. Grayson. The motion passed unanimously.
- A motion to approve the Treasurer's report for the month of October, 2022 was made by Mr. Ropski and seconded by Ms. Grayson. The motion passed unanimously.
- A motion to approve the October 4<sup>th</sup> 2022 and October 18<sup>th</sup> 2022 council meeting minutes was made by Ms. Fyffe and seconded by Ms. Daly. The motion passed unanimously.
- Members considered a proposal from Remington and Vernick for complete MS4 review and the recreation of documents needed for compliance. Ms. Daly said that this is going back and recreating what the Borough does not have. Council President Papaleo said that the other company is refusing to provide this and the amount should be deducted from the final bill.

Ms. Daly made a motion to approve the MS4 proposal from Remington and Vernick. Mr. Ropski seconded the motion. The motion passed unanimously.

- Members considered proposals for delinquent tax collection as requested in the RFP. Ms. Daly asked if this was the same company that currently provides this service. Manager Hayman explained that the proposed offer from Portnoff that he recommended was not currently used and that the fees for this company were added on, which would represent a substantial savings.

Mr. Papaleo asked if members had any questions or needed any details.

A motion to accept the proposal from Portnoff Law Associates for delinquent tax collection was made by Ms. Grayson and seconded by Ms. Daly. The motion passed unanimously.

- Members considered ratification of resolution R2022-15 applying for a Penndot multimodal grant. Ms. Daly seconded the motion to approve R2022-15 and Ms. Grayson seconded. The motion passed unanimously.

#### **Public Works** - Ms. Grayson

- Ms. Grayson made a motion to ratify an expense of up to \$7,000 for repairs to the backhoe. Mr. Hayman explained that this had been caused due to corrosion and regular wear and tear. Mr. Papaleo asked if this was eligible for reimbursement. Mr. Hayman said that it was worth looking into however liquid fuels reimbursements for vehicles and repairs could be tricky and he was uncertain.

A motion to ratify an expense for up to \$7,000 in repairs was made by Ms. Grayson and seconded by Mr. Ropski. The motion passed unanimously.

#### **Public Safety**– Mr. Ropski

- A motion to approve the Police Chief's Report for the month of October, 2022 was made by Mr. Ropski and seconded by Ms. Grayson. The motion passed unanimously.
- A motion to approve the Fire Chief's Report for the month of October, 2022 was made by Mr. Ropski and seconded by Mr. Wilson. The motion passed unanimously.
- A motion to approve the Fire Marshall's Report for the month of October, 2022 was made by Mr. Ropski and seconded by Ms. Grayson. The motion passed unanimously.

#### **Public Health and Literacy** - Ms. Fyffe

- Ms. Fyffe had no new business to discuss.

#### **Public Parks and Recreation** – Ms. Daly

- Ms. Daly said that the tree lighting will be Saturday November 26<sup>th</sup> from 6 to 8pm with Santa arriving first this year – the tree will light and then there will be photos, crafts and snacks along with hot chocolate. Ms. Daly said usually 50 to 60 kids come and it is a tradition that families enjoy. Ms. Daly said that Shawn Payne found a 20 foot fake Christmas tree that is going to be put up along with a giant Santa. Mr. Papaleo asked if the Police would attend and thanked Chief Bair for his help. Mr. Bair said that his father was the superintendent of the shop that had a giant Santa and that it was given to his

father. Ms. Daly said that the Viviana Theater is going to attend and do songs and caroling. Ms. Daly said that Thursday November 17<sup>th</sup> is the borough's coat drive giveaway which residents need to sign up for on signupgenius. Ms. Daly said last year the Borough gave away over 200 coats and that if anyone knows a family in need and needs a coat giveaway as the borough does have coats throughout the winter. Ms. Daly said that the borough just hosted a coat giveaway and gave away 25 bags to residents and thanked the donors who donated 25 turkeys for today and Christmas and advised anyone who knows a family in need that could benefit to encourage participation.

Ms. Grayson asked what the Borough is doing to share this information. Ms. Daly said that this is on the sign, website and social media but that the turkeys weren't advertised with a robocall as there weren't enough and it was not clear exactly when the turkey was going to arrive. Ms. Grayson said that some of the older residents in the vicinity of borough hall don't have social media may not drive all the way to Delmar drive to see the sign and she said that she's hearing a lot from residents that they were unaware of the events and asked for councilmembers to investigate a better way to get the information out. Ms. Grayson said that's why she asked residents to tell their friends and neighbors as she has even driven around with a loudspeaker promoting events and residents still claimed to be unaware of them. Ms. Daly said that she was going to do a robocall for the senior luncheon. Mr. Papaleo said he wanted this statement on the record that it's important to get the message out but residents have some responsibility to participate and find out about this information. Mr. Papaleo said that there's a part of this relationship that residents need to do and noted instances in which residents wanted their names off of the robocall list. Mr. Papaleo referred to this as a citizen's responsibility. Ms. Grayson said she understood this and mentioned that she is having this trouble with the girls club. Mr. Papaleo said that originally done immediately when families moved into the communities. Ms. Daly said she cannot do a mailer for every single activity that's going to be done. Ms. Daly listed the community events that are currently in the calendar and reiterated that more direct mail may be helpful. Mr. Bair said that a possible solution with the calendar could be to put out a message to contact the Borough regarding giveaways. Ms. Daly said that she started getting phone calls in May about the toy drive and said that she did not want to do this until we got closer. Mr. Papaleo suggested putting in the calendar to pick a week when the work would done. Ms. Daly and Mr. Bair discussed the mechanism of advertising giveaways. Ms. Daly said that there is nothing else and that signage or other things could be done but it is difficult.

A resident – Felicia Griffin at 628 Ashland Avenue spoke and said that the last resident of her property left a calendar. Ms. Griffin listed the residents of her property and asked what percentage of income tax was here. Mr. Papaleo said this is a 1% income tax but mentioned that retirees do not pay this. Ms. Griffin asked if he gets a pension and works. Mr. Papaleo said he was not sure and said he assumed only the income portion would be paid. Ms. Griffin asked if trash and recycling would still be picked up. Mr. Papaleo asked what this work was. Mr. Hayman said that this was a storm sewer repair. Mr. Wilson said that this resident is his neighbor and said that the work is going to be started tomorrow. Ms. Griffin said she understood this would be tomorrow. Mr. Hayman asked to have the resident call the Borough and advised that the work should be quick. Ms. Griffin's granddaughter asked about the sired at the fire company. Councilmembers agreed that this was a pain but they would get used to it.

### **Municipal Ordinances and Code Enforcement** – *Mr. Wilson*

- Mr. Wilson considered adjustments to and advertising for a commercial inspection ordinance. Mr. Wilson said that this was a listing of the fees based on square footage for fire inspections. Mr. Wilson said the fees have changed but there's now an extra section for storage facility inspections. Mr. Wilson said there is a clause in this for storage facilities set at \$50 per storage unit. Mr. Hayman explained how the ordinance works and that it more fairly compensates the borough for the time invested in an inspection. Manager Hayman said no motion was requested and that this was just for council input in public. Mr. Papaleo said he understood. Manager Hayman agreed to make the requested adjustments and would provide an updated version of the ordinance at a future meeting.

- Mr. Wilson made a motion to appoint George Casey to a vacancy on the zoning hearing board. Mr. Casey said he is a 40 year resident of the borough and formerly the plumbing inspector and is also runs his own American legion post in Crum Lyne. Mr. Casey said he was willing to serve on the board and advised that he could provide assistance to the borough.

Mr. Ropski seconded the motion. The motion passed unanimously.

Ms. DiCicco said that some residents had asked about painting a mural on a garage door. Mr. Woods said this could be graffiti and there would have to be some parameters. Mr. Wilson asked if it was graffiti if you own the property. Mr. Woods said that it was. Mr. Papaleo said he's seen "f" Biden flags on their doors and he did not find this any more offensive than graffiti. Mr. Woods said this would be profanity. Manager Hayman said that if it pertains to a political statement it would be protected speech and should be discussed in an executive session.

### **Municipal Planning and Borough Beautification** – *Ms. Isaac*

- Ms. Isaac was absent. There was no new business to discuss.

### **New Building** – *Ms. Grayson*

- Ms. Grayson had no new business. Mr. Van-Otoo said that the project is going according to plan. The retaining wall is up and the lining discussed in the change order is going in. Mr. Van-Otoo said he spoke to Ed Phillips this week and currently payment number four is being processed right now. Mr. Van-Otoo said that the unsuitable soil matter is still being negotiated and that he will provide an update when he is able. Ms. Petty said that the building next to it has steam pipes coming out that are facing the retaining wall and asked if the company could be approached to redirect the steam pipes so it won't erode the retaining all. Mr. Van-Otoo asked if this was on the borough's property or the company's property. Ms. Petty said that a burst of steam constantly coming out will erode the wall. Mr. Papaleo asked if it could be piped up. Mr. Woods said there is one doing releases on the back side of the building and not on the side. Mr. Woods said that this pipe was not currently being used and could already have been redirected.

### **Driveways and Parking Permits** – *Ms. Daly*

- Ms. Daly said that milling and base repair is about 57% complete across the targeted area and overlay and repaving is 30% complete. Ms. Daly said that the project is currently about 4 days behind schedule with three days due to a broken milling machine and one day due to weather. Ms. Daly said that the project is still currently on track to complete by the end of the year but some repaving may be completed next year to avoid price changes with asphalt. Ms. Daly said that complaints about trash pickup are slowing and reiterated that the process is and has always been to mill, repair and then restore and advised that if there was a cruddy looking layer of asphalt lower than before and then the remainder will be repaved at a later date. Ms. Daly said it would be milled, restored and repaved. Ms. Daly said that some residents are upset that their driveway has been milled at the end of October and still hasn't been paved and advised that some flat sections of Taylor Drive were being done early. Mr. Papaleo asked if the timeline between repair and repaving was critical. Mr. Van-Otoo said it was not necessarily and noted that there is generally a proof roll with dump trucks before repaving and which point the paving could be done but said it would be more efficient to do all of the paving at one time. Ms. Daly said some residents were upset and said that now that the alleyways have been milled and there has been some restoration to them they are already much better than they were and said that residents can park out back and that they will receive notice prior to the work commencing behind their home. Ms. Daly said that weather is going to play a large portion of the schedule. Mr. Bair said there have not been many issues except for a few with parking but nothing like what was expected. Ms. Daly said that the project is going very well in her opinion. Mr. Papaleo thanked everyone who has been involved. Ms. Daly said this was hectic in the beginning but most residents seem very appreciative.

Mr. Papaleo moved to the engineering report.

Mr. Van-Otoo said that some items were discussed. Mr. Van-Otoo asked about the MS4 proposal which he understood was approved prior to his arrival and apologized for his tardiness. Mr. Van-Otoo explained that the MS4 was for the stormwater report. Mr. Van-Otoo said that the DEP had a deadline of November 15<sup>th</sup> for the pollution reduction plan but said that this was extended until December 2<sup>nd</sup> which he confirmed the borough can comply with.

Mr. Van-Otoo said that AF Damon completed the 2022 roads program by October 31<sup>st</sup>. Mr. Van-Otoo said he had applied for an extension however it was not needed. Mr. Van-Otoo said that the actual construction came in about \$3,200 under the overall project budget because a lot of base repair was not needed on the project. Mr. Van-Otoo said that payments will be submitted and he is looking for PennDOT certificates of compliance. Mr. Van-Otoo said that the project could extend beyond this year and a time extension until May of next year was asked for just in case – weather permitting. Mr. Van-Otoo said the Ashland Avenue stormwater replacement will start tomorrow to get things under way however there is an impending change order for over \$11,000 incorporated into the project because the original bid did not include base restoration. Mr. Van-Otoo said he would attempt to negotiate this. Mr. Van-Otoo said that the PennDOT MTF grant which had improvements for Ashland Ave and Delmar Drive and illuminated stop signs and a bump out at Primos Avenue and Hook Rd. Mr. Van-Otoo thanked Manager Hayman, Mr. Caponi to help get that submitted on short notice. Mr. Van-Otoo said the deadline was extended to Friday to fine tune the application. Mr. Van-Otoo said that his conversations with PennDOT got the Borough some assistance. Mr. Van-Otoo said that other stormwater grants could be pursued.

Ms. Daly said she does want to pursue them. Ms. Daly directed Manager Hayman to talk to Mr. Payne about this.

#### Police Chief's Report

Mr. Bair thanked Council for allowing his officers to join the giveaway and said there were other giveaways coming up. Mr. Bair said that starting from January 3<sup>rd</sup> of this year there will be a company doing bus patrol – a company will put cameras on the buses which will take a video of people going around buses at which point a civil citation for \$300 will be issued with the Borough to receive \$25 for approving violations. Mr. Wilson said he has seen this before in Queens as he has a friend who lives there where this is already done. Mr. Bair said that southeast delco is going live with this application in January and also Chichester school district.

#### Solicitor's Report

Ms. Marsini said three assessment appeals were filed by southeast delco school district which went to an arbitrator and the arbitrator ruled in the favor of the school district and borough. Ms. Marisini said that her firm was not advising the borough to appeal as this was already an increase in revenue.

Mr. Van-Otoo interjected that he has not heard anything from 7/11 and that he will continue to reach out. Ms. Daly asked if there was anything that could be done. Mr. Papaleo said that he understood one investor had died and now there are potentially other matters that have arisen as a result of this. Mr. Papaleo said that there is nothing that he can do to precipitate this. Ms. Daly and Ms. Grayson said it cannot be turned into a junk yard again. Mr. Woods said that the person leaving vehicles there has been given permission in exchange for cutting the grass. Mr. Hayman said that this was still a zoning violation and needs to be cited. Ms. DiCicco said that the lot is frequently open and that vehicles come in and out. Ms. Daly said that this is the property owner's responsibility and that this property is becoming a mess. Mr. Papaleo said that the owner could go after the person trashing the property civilly but this was not the Borough's issue. Ms. Petty asked if there were "no trespassing" signs issued. Ms. Petty said this would provide the ability to ticket cars.

#### Finance Director's Report

Ms. McMenemy apologized for her tardiness and provided updates and specifics on deposits and expenditures which were approved by Council. Ms. McMenemy provided payroll services fees and expenses along with bank account balances. Mr. Papaleo asked for a rating on the Borough's fiscal health A through F. Ms. McMenemy said an A

#### Borough Manager's Report

Manager Hayman presented a report with updates and statistics about code enforcement and other, related matters in Folcroft.

There was no old business.

## New Business

- A motion to approve a statement regarding the application for a zoning variance at 1835 Delmar Drive and authorizing the Borough Solicitor to attend the meeting representing Borough Council. There were no objections.

A motion authorizing the solicitor to attend this meeting was made by Mr. Ropski and seconded by Ms. Daly. The motion passed unanimously.

Ms. Grayson said that she recently learned that there is a four foot high requirement for fences at the home. Mr. Papaleo said that this is for the front of the home. Ms. Grayson asked if this was the only time. Mr. Woods said the code says there is no fence in the front of the yard and the back portion of the house can have a six foot fence. Mr. Papaleo confirmed that this does not pertain to side yards. Mr. Papaleo said that he did not see a problem with a six foot fence on a side yard. Ms. Grayson said she had received an email from a resident and that is why she brought it up. Mr. Woods said there is another ordinance referencing fence sizes on corner lots. Mr. Woods said it cannot be more than 24 inches above grade. Mr. Woods described how this works at an intersection. Mr. Papaleo described what he believed this means. Mr. Papaleo said he didn't think it would be a bad idea to adjust the side yard rule. Mr. Woods cited the section of the code that expressed this. Mr. Papaleo said that this should be reviewed and that he would be willing to extend this only in the side yard and back yard. Ms. Daly said she is supportive of four foot fences. Mr. Papaleo said that he was fine with a picket fence on homes. Ms. Daly said she did not believe that fences affect property values and fences are not one of them and said that a lack of a fence actually depreciates property values although she did not believe this was worth relitigating at the time. Ms. Daly said that residents are putting up non fences like garden fences rather than having an actual fence so that their dog cannot get out. Ms. Daly said that this is a large dog and that her fence is allowed because it is not permanent. Ms. Daly said having small children and not having to worry about them due to cars and traffic would be helpful. Ms. Daly said she didn't like not telling residents that they can get a permit and put up a fence permanently. Ms. Daly said that she did not expect this to be done tonight and that she had spoken to residents who would not have bought their homes in Folcroft had they known this.

Mr. Papaleo asked if it would be allowable if this was an aesthetically pleasing fence. Ms. Daly said that this was subjective. Mr. Papaleo said that he would not support this if he could not regulate the type of fence. Ms. Daly said that she was not opposed to talking about fences on the back of the house but she would not be comfortable with someone being told that they cannot put a fence up. Mr. Papaleo said that he preferred neighborhoods like Westbrook Park which do not have fences and mentioned that people are not weed whacking their properties. Ms. Daly said that this is another matter and the code enforcer would issue a violation. Mr. Woods said that this is in the code for not trimming and that he issues tickets for this and noted that the ordinance says that no fences can be placed in front of the building. Mr. Woods said four foot high fences are still considered fences. Mr. Wilson said that the Borough should weed whack their side of the fence along her house. Ms. DiCicco said that on election day she noticed that the church's yard and driveway has a large pothole that a person tripped in and asked if the church was required to maintain their property. Ms. DiCicco said that a flood light had to be

placed on this. Ms. Grayson said that there were major issues with using that site. Ms. Grayson said that there were some offensive statements on his signage for the election was not appropriate which she said she had advised the pastor of. Mr. Wilson asked if this site was handicapped accessible. Ms. Grayson said that she ended up helping residents as they did not always know where the entrance was. Mr. Papaleo said that the borough is not liable but the church would be. Ms. Petty asked if the borough could make the church fix its potholes. Mr. Woods said that maintaining the property would be required and the borough could make them fix it. Ms. Petty noted that this property was accessed by the community anyway as it is a church. Ms. Marsini said she would do more research on it. Ms. DiCicco described her interaction and the pastor complained about paying permit fees. Mr. Papaleo said that the height of a side yard fence should be increased.

Mr. Papaleo asked the solicitor to draft an ordinance amendment to update side yard fencing.

A motion to appoint Peter Joner of 2037 Heather Road to another vacant spot on the zoning board was made by Ms. Grayson and seconded by Mr. Ropski.

A roll call vote was held.

Mr. Papaleo – yes

Ms. Fyffe – Yes

Ms. Grayson – Yes

Mr. Ropski – Yes

Ms. Daly – abstain

Mr. Wilson – Yes

The motion passed with 5 yeases and one abstention.

A motion to adjourn was made by Ms. Grayson at 8:18pm and seconded by Mr. Ropski. The motion passed unanimously.