

MEETING MINUTES

FOLCROFT BOROUGH COUNCIL MEETING

MARCH 15, 2022

Location: 1555 Elmwood Avenue, Folcroft PA 19032

Council President Papaleo called the meeting to order at 7:01pm

Mayor: Flag Salute and Invocation.

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

Audience Participation

Ms. Natasha White 2053 Kent Road said she was here on behalf of her business at 1852 Delmar Drive, an event space she said was closed down since December and was unable to operate due to license. She said her plans were denied for two or seven reasons and she wanted to say that the engineer is asking for a handicapped ramp on the side of the building which would be \$13,000 and she said that she has surveyed other event spaces including Folcroft Borough Hall and they do not have ramps and that she believed there is no need for a handicapped landing. Ms. White said she visited five sites that do not have a handicapped landing. Ms. White said that she was required to have a fire sprinkler system as well and it was estimated that it would cost \$35,000 to \$45,000 and described what it would take to install. Ms. White said she believed she was classified as an A3 and that everything she saw said that she was not required to have a sprinkler system with less than 500 people. Ms. White said that the fire hall does not have a sprinkler system and that most sites she is aware of do not have them. Ms. White said that the architect. Manager Hayman read the correspondence from Catania Engineering on the matter noting that she is required to have a sprinkler and that she is misclassifying her space.

Ms. Catania said that the board does not have the ability to provide any waivers as this was a UCC matter. Ms. Catania suggested that Ms. White contact Charles Catania and meet with him or the architect. Ms. Catania said that she forwarded the email that Ms. White sent to the Borough and that she did not believe anything could happen here tonight. Mr. Baumler said that he echoed the sentiment of Ms. Catania and that the Borough Council has no power to waive or entertain waivers from this requirement. Mr. Baumler said that if Ms. White feels that the determinations from the Borough code enforcement officer are incorrect she can launch an appeal in this appropriate venue.

Engineer's Report

Ms. Catania said that the 7/11 site needs light standard changes and from what she heard today 7/11 is

not planning on changing their lights. Ms. Catania said that she has provided a pollution reduction plan to DEP and they are reviewing it but noted that there are a lot of people out washing cars today. Ms. Catania said that it is actually prohibited to wash your cars out in the street as this is a violation of the MS4 program. Ms. Catania said she hoped that people think of water quality and the environment. Ms. Daly asked Manager Hayman to note this and advertise it.

Ms. Catania said that contract A – site construction and contract B was sitework. Ms. Catania said that bids ranged from 2 to 3 million dollars and for contract B bids ranged from 5 million to 6 million dollars for this portion of the work. Ms. Catania recommended the awarding of this contract for Abbonizio contractors with their bid of over 2.7 million dollars and the low bid of LJ Paolella and sons for 5.6 million dollars. Ms. Catania said that the total bid would be 8.26 million dollars but this was contingent upon review and approval from the Borough solicitor as well as the review of bonds. Ms. Catania said that bid results were on file for anyone who would like to see it and that the manager has a copy. Ms. Catania said that Mr. Hayman sent a letter requesting the phase two of the Montgomery Park Block Grant but that she has not heard anything about this yet. Ms. Catania said that if County Council agreed there may have to be a hearing and a resolution just as was done last year.

Mr. Papaleo said he believed the total would be \$8.623 million dollars. Ms. Grayson said clarified if they were approved because they are the two lowest bidders. Ms. Catania said this was the case but that they are both responsible bidders and she has worked with them in the past. Ms. Daly said that the most important part due to a previous issue was bonding and cash for the builders. Ms. Catania said that the Borough would be able to go through with responsible contractors. Ms. Catania said that Paolella has an apprenticeship program and Abbonizio and sons has worked with her recently and did a nice job. Mr. Papaleo said that he could get copies of the bids for anyone who wanted them but that they were comprehensive and clear. Ms. Daly said she understood that she is obligated to take the lowest bidder. Ms. Catania said this was the lowest responsible bidder.

Public Finance & Administration - Mr. Papaleo

- A motion to approve the bill list for the month of February, 2022 was made by Ms. Daly and seconded by Mr. Ropski. The motion passed unanimously.
- A motion to approve the Treasurer's report for the month of February, 2022 was made by Ms. Isaac and seconded by Mr. Ropski. The motion passed unanimously.
- A motion to approve the February 1st 2022 workshop meeting minutes and the February 15th 2022 Council Meeting Minutes was made by Ms. Daly and seconded by Ms. Grayson. The motion passed unanimously.
- Members discussed authorizing the Borough engineer to survey the swim club property. Mr. Papaleo said that there was some confusion about what was to be purchased at this property from the last conversation. Mr. Papaleo said he wanted to make sure that the club was serious about selling the property. Ms. Daly said that they were and there are no holdups but that she will abstain from the vote to do the survey as she is a board member. Mr. Papaleo asked the cause for needing the survey. Ms.

Catania said that once this is decided there needs to be a subdivision plan and then there would be an agreed upon line for lot one and two, one which would go to the Borough and one for the club, this would then go to the County planning commission to be approved and recorded and then the Borough can go forward with the transfer. Ms. Daly said that she believed it was more than two acres but she was not sure. Mr. Papaleo asked if there as an idea of who would do this. Ms. Catania said that a licensed land surveyor in her office would take the lead and do any of the calculations to put the lot plan together. Ms. Catania said that she was going to show the buildings because there are setback requirements for them. Ms. Daly said she was sure they were set back from them. Ms. Daly said she would glad to help with anything needed. Ms. Catania said she has the deed and the line along the roadway. Ms. Daly said a survey was done previously to see where the line was which Ms. Catania said her firm also did.

A motion to authorize a the Borough Engineer to survey the Folcroft Swim Club property was made by Ms. Fyffe and seconded by Mr. Ropski via roll call vote.

Ms. Grayson – Yes

Ms. Isaac – Yes

Mr. Ropski - Yes

Ms. Daly – abstaining

Mr. Papaleo – Yes

Ms. Fyffe – yes

The motion was approved.

Mr. Papaleo said that the new building was encroaching on dedicated green space and purchasing the property would allow us to become compliant with DCNR and open to more grant funding. Mr. Papaleo said this entitled the Borough to apply for more grant funding for more projects. Mr. Papaleo said the borough could be missing out on lots of funding because of this.

- Mr. Papaleo discussed future spending. Mr. Papaleo said that the first two years of his term have been very comfortable but that there was a lot of leeway but next year there is going to be a lot of freedom that he did not have until now. Mr. Papaleo said that for every million dollars borrowed there should be about \$70,000 in debt service per year.

Public Works - Ms. Grayson

- Ms. Grayson said that the community garden is pretty much complete. Ms. Grayson said she reached out to the votech center to build elevated boxes however they declined as they are not taking on any new projects. Ms. Daly suggested reaching out to a boy scout troop as they often have eagle projects. Ms. Daly said this is 17 and 18 year olds. Ms. Grayson said she has some elevated boxes for older residents who cannot bend down. Ms. Daly said she may have contact information for some boy

scout troops. Ms. Grayson said that there should be rain barrels coming in this week. Ms. Petty said that the academy park wood teacher is going to make a Folcroft Community Garden sign which will be right outside the garden. Ms. Grayson said it would be inside a flower box with flowers around it. Ms. Grayson said that the highway department would be putting in a fence to block rabbits from coming in. Ms. Grayson said that there would be a flyer for residents letting them know that this would be first come, first serve. Ms. Grayson said that there will be a sitting area for people to relax after gardening.

Public Safety– *Mr. Waters, Ms Fyffe in his absence*

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

Ms. Daly said that she was trying to find out how Council was purchasing a police vehicle when the last conversation about the police vehicle was in May 2021. Ms. Daly said that all members had concerns about buying two vehicles in one year with a budget of \$35,000 almost \$90,000 was sent. Ms. Daly said that the vehicle seemed to have been purchased in October of last year but that this was probably an accident. Mr. Papaleo said that he understood the K9 car was a good deal and then the vehicle was sold to another municipality. Ms. Daly said that she had looked this up when she saw that this was on the agenda. Mr. Papaleo said that he believed there was an insurance payout for the other vehicle. Mr. Bair said the K9 vehicle sold before was not purchased from Council it was a gift and it was sold for \$10,000 which was given to the Borough. Mr. Bair said that the reason this was done was that the dodge charger's expenses outweighed turning it in at that point. Ms. Daly said that the undercover car was an insurance matter. Mr. Hayman said he believed that \$1,500 was received for the damaged vehicle. Ms. Daly said that this vehicle gets 17 miles per gallon and asked why a more fuel efficient car was not sought. Mr. Bair said that V6s fall apart and aren't good cars. Ms. Daly said that may be true but this is a gas guzzler. Mr. Bair said that all V8s are gas guzzlers. Mr. Bair listed several vehicles which had flaws and said that unless an electric vehicle comes around that would be sufficient there is no other option. Mr. Bair said that he understood that the Borough was budgeted at one per year because of the repair value. Ms. Daly said that she was asking this because she did not know and said that with gas prices this is an issue.

Ms. Daly said she was concerned that the Borough was buying another vehicle. Ms. Grayson clarified that every year the Borough gets another vehicle. Mr. Papaleo said that this was so that the vehicles are usable and not abused 24 hours per day. Mr. Bair said he understood the old cars were going to the Code Department. Mr. Bair said that new vehicles don't go right into patrol and instead go to the Chief of Police for a year so it isn't driven crazily and then a new car with a cage and other tools can be purchased at after-market prices. Mr. Bair said that if the Borough gets this vehicle his current vehicle would go to officer Acquarola as his car is older and then the old car would go to code enforcement.

Mr. Bair said that the next vehicle to be replaced would be Deputy Chief Eiserman's vehicle and that several years ago a Dodge Ram was purchased as it was the only vehicle available. Mr. Bair said last year the Borough was looking at another Tahoe because they are more efficient and the way they run on the streets. Mr. Bair said that Havertown just purchased 7 of these vehicles and they love them. Mr. Daly said that if this was the reason she was fine with it. Mr. Bair said that there currently is a Ford Taurus but it has several issues and has been hit twice but that he only keeps it because Officer McClean likes it. Mr. Bair said that he understood the vehicle was budgeted and said that it was up to council to decide what to do. Mr. Bair said that he had suggested to Manager Hayman that the vehicle should instead be used for code as it was not worth a lot of money. Mr. Papaleo said that he did not know that the vehicle was not approved. Ms. Daly said that she saw on the paper that the form was signed by Christopher Eiserman and there was no discussion about purchasing the vehicle. Mr. Papaleo said he did not recall if this conversation was in a public meeting or not. Ms. Daly said she had checked the meeting minutes and there was no mention of it and then reiterated what the May 5 2021 meeting minutes said. Ms. Daly said that former Councilman Ruskowski had made the motion contingent upon reviewing the matter later on. Mr. Papaleo asked if the vehicle was ready yet. Mr. Bair said he believed it was ready yet but was not sure. Mr. Bair said that he previously he was unable to get a car due to backlog. Mr. Bair said that he had just become aware that the vehicle was available and that the vehicle had been ordered because the vehicle was in the budget and that this is how the miscommunication happened. Mr. Papaleo said that this was a line item in the budget. Ms. Daly said that the last discussion was that it was a discussion and that Council had agreed to revisit the matter during a discussion with former Councilman Willis. Ms. Daly said that she had previously been convinced by Mr. Ruskowski's discussion and was fine with it at the time and acknowledged that the funds are budgeted. Ms. Daly said that she was concerned because she did not believe the matter had been discussed. Ms. Daly said that previously Mr. Papaleo had discussed spending and that the Borough has to start thinking about having a surplus and taking on a giant debt and that she did not want to spend \$90,000 per year. Mr. Papaleo said that the Borough is in a new fiscal year now. Ms. Daly said that the Borough budgeted \$35,000 per year but that the Borough spent \$90,000. Mr. Papaleo asked about the pricing of the K9 vehicle. Ms. Daly said that she is aware that the Borough spent \$90,000 and had reviewed it and that the Borough should be more cautious and planning but that she is not necessarily against it. Ms. Daly said she did not want to end up at Cerinos every few weeks but last month the Borough spent \$8,000 on gasoline.

Mr. Papaleo asked about bike patrols in summer months. Mr. Bair said absolutely and that there are four young officers who are going to be eager to go out and pedal. Mr. Bair said he loved biking when he was younger and that people are more likely to talk to officers on a bike. Mr. Bair said that kids used to follow him and that he would have to buy them ice cream to get them to stop. Ms. Daly said she liked this idea. Mr. Bair said that part-timers at the time were older. Mr. Bair said that he has sent all of his officers to a bike school in Upper Darby and that they have done a fantastic job there. Ms. Daly and Mr. Bair discussed which streets are less enjoyable to bike. Mr. Bair said that this would mostly be done by part-timers. Ms. Daly said that she would rather spend more money to have officers around and to foster a community relationship and said that this is worth every dime. Ms. Daly said she just wanted to think about tightening up and that the Borough should not think about spending too loosely. Mr. Papaleo said that the issue with rising prices and a budgeted item means there is no use in waiting to

buy the vehicle. Mr. Bair said that Sharon Hill went with Fords and that they are having transmission problems. Mr. Bair said that the former Dodge Charger owned by the Borough was received for free but had many maintenance issues and was a problem. Ms. Daly said that getting rid of the K9 vehicle was a good deal. Mr. Bair said that two pickup trucks were lent to the County for a substantial amount of money essentially as a rental.

- A motion to approve a purchase of a Chevy Tahoe for Police usage for a total cost of \$41,000 was made by Mr. Ropski and seconded by Ms. Isaac. The motion passed unanimously.

Public Health and Literacy - *Ms. Fyffe*

- Ms. Fyffe had no new business to report.

Public Parks and Recreation – *Ms. Daly*

- Ms. Daly said that April 9th is the Borough Easter Egg Hunt and that the committee has started really good work to get story tellers for Juneteenth and a DJ has been booked for several events at a discounted rate. Ms. Daly said vendor applications area starting to come in. Ms. Daly said that the flyer has gone out noting that April 23rd is community cleanup day and that she will be looking for volunteers from each street and TNT would like to partner again. Ms. DiCicco asked Ms. Daly to repeat the date. Ms. Daly invited members to come and help cleanup from 9am to 12pm.

Municipal Ordinances and Code Enforcement – *Mr. Ropski*

- Mr. Ropski discussed ENTER LATER. Mr. Papaleo said that when this ordinance was written it was for arcade games and pool tables. Ms. Daly said that she believed this was from the 1950s because the police were getting lots of calls to establishments with these items and the price alleviated the cost of responding. Mr. Papaleo said that these machines were different as they have payouts. Ms. Daly said that the Borough should not regulate tattoo machines.

Mr. Baumler said that there is a difference between amusement devices like Ms. Daly mentioned and that the ordinance regulates these. Mr. Baumler said that slot machines and video poker machines are exclusively under the control of the state and that there is a quasi third category based around skill and chance based games. Mr. Baumler said that the regulation of these games falls into a grey area and that the largest manufacturer of these games was sued by the commonwealth several years ago. Mr. Baumler said that these were considered gambling devices and the matter went to the Supreme Court however they never answered the question. Mr. Baumler said that based on the way the law was written at the time the matter was punted back to the legislature. Mr. Baumler said that the machines described fall into this area and the state itself under its police powers can declare these illegal machines under the criminal code and then shut down machines but this is the only legal justification. Mr. Baumler suggested updating other portions of the amusement ordinance as members see fit. Mr. Papaleo asked if the Borough had the option of setting its own precedent then if nobody knows what to do with it. Mr. Baumler said that if the Borough wants to set a precedent then they should be prepared to litigate the matter all the way up to the Pennsylvania Supreme Court. Mr. Papaleo said that this is a behavior listed

as addicting and should be regulated. Mr. Baumler said that the state will regulate these and the Borough will not have any regulatory power and that the Borough may receive a share of the tax revenue sent down to municipalities under this legislation. Mr. Baumler said the legislation was proposed and moving forward. Mr. Papaleo said he has seen kids playing at these machines of questionable age and that this could not happen at a casino. Mr. Baumler said that right now these are enforced under the crimes code and recommended reporting this to the gaming commission and enforced by State Troopers. Mr. Baumler suggested making the state police aware. Mr. Bair said that the state would provide juveniles to purchase cigarettes and the fines for this are very harsh. Mr. Papaleo said that this is new and not seen before but proliferating throughout the area and that there is no control of it. Ms. Daly said that for right now there should be no action. Mr. Baumler suggested there may be movement on this matter very soon.

- A motion to ratify Resolution 2022-08 authorizing an application for a Local Share Account grant application was made by Mr. Ropski and seconded by Ms. Daly. The motion passed unanimously.

Municipal Planning and Borough Beautification – Ms. Isaac

- Ms. Isaac said that she met with Manager Hayman prior to the meeting that maybe the Farmers Market will be put together in the fall but first she will look into some other markets and visit them. Ms. Isaac said that Lansdowne has crossing guards for their farmers market and that this is worth looking into. Ms. Isaac suggested hosting it on a Saturday. Ms. Daly said that Saturdays in the fall are rough due to sports and Sunday as well. Ms. Grayson said that Sundays are tough as is the fall. Ms. Grayson asked what would be done with a farmers market. Ms. Isaac suggested vendors would come. Ms. Daly said that she had spoken with Manager Hayman and as was true about the vegetable garden that she thinks this is a fantastic idea but that there is not space available for it currently. Ms. Daly said the lot across the street is a small space and may not have visibility and noted other spaces. Ms. Daly said it was worth waiting until the new building and then having the market there. Ms. Daly said that if there is an unsuccessful event with vendors that doesn't have large turnout this will not happen again. Ms. Daly said there isn't currently space in the community to make this viable. Ms. Petty said the flea market in Sharon Hill was not successful and the vendors did not come back. Ms. Daly said that seeing an event in a lot like this would not lead to people joining and compared it to the event in Essington which has heavy turnout. Ms. Grayson said she thinks about Lansdowne which is a small place – is in a main strip and has no parking. Ms. Grayson said there is no parking for this event but there is so much participation because there are great vendors. Ms. Isaac said with these new ideas it was worth waiting. Ms. Daly said it didn't have to wait two years and potentially waiting to get a sign. Ms. Grayson said that there are residents who will come to this event if it is promoted and mentioned that having lived here for years she has never been to Montgomery Park. Ms. Daly said that most people who use Montgomery Park live in the village. Mr. Papaleo noted that Delmar Drive that runs through both sides of town except for Llanwellyn Gardens. Mr. Papaleo said that it was worth revisiting. Ms. Daly said it might be worth starting next may and have it every other week. Ms. Daly said that this could be something remarkable instead of forcing something. Ms. Isaac said that community members could bring things that they like to the farmers market. Ms. Daly said she went to the lasndowne market once and wanted to hold off and let the building get built. Mr. Papaleo said backdrop is important. Ms. DiCicco said that timing is

important so attendees have a reason to join. Ms. Isaac said that there are many areas around here that do this. Mr. Papaleo said that in order to be successful it would need to attract others.

Mr. Harry McGuigan – 1976 Carter Road – spoke up and suggested the Delcroft School. Ms. Daly said that she was not opposed but reiterated that it is closer to the center of town. Mr. McGuigan said this might require a permit. Mr. Papaleo said that it allows people to walk by it and take a moment.

Mr. Papaleo said that he believed that this section of the conversation was over and moved on.

New Building – Ms. Grayson

Ms. Grayson said that this section had already been discussed. Ms. Stilwell said that she is going to reach out to Republic bank as the bank has the Borough's current loan. Ms. Stilwell said that she would also reach out to other members but that this couldn't be done until the 2020 audit is completed and that hopefully next week there will be estimated terms. Mr. Papaleo asked for the time frame from the audit. Ms. Stilwell said that it was hard as Maillie requires a lot of testing but originally the date of March 8th was provided.

Driveways and Parking Permits – Ms. Daly

- Ms. Daly had no new business to discuss.

Police Chief's Report

Mr. Bair said that an individual had contacted the Borough about police vests and all old vests sitting in a closet were given away to be sent to Ukraine. Mr. Bair said that other vests are given to Mr. Eiserman to be given out. Mr. Bair said that at about 6pm last night there was a buy bust at the Sunoco. Mr. Bair said that two vehicles and \$29,000 cash along with three guns were taken and noted that the person lived in Glenolden. Mr. Bair said the cash had already been deposited. Mr. Bair said that he had been aware of someone dumping down in Montgomery Park. Mr. Bair said that he did get an image of the vehicle, make model and timing and that the person will be caught. Mr. Bair said he was tasked with correcting payment for past years for crossing guards is starting to come in with a payment of over \$33,000 is coming in. Mr. Bair said he had email proof of all of this if members would like it. Ms. Stilwell said that this is good as it isn't always easy to get payment for past years. Mr. Bair said that bike patrol should be at community cleanup day and Juneteenth.

Solicitor's Report

Mr. Baumler said that he had a conversation with a person named Richard Hewitt who is proposing to attempt to transfer in a liquor license back into Folcroft. Mr. Baumler said that Mr. Hewitt was not specific about what the establishment is but that Mr. Hewitt had touched base with the Borough in the fall of 2020 about this matter as well. Mr. Baumler said that it looks like the gentleman is serious and that Council will need to have a public hearing with a court reporter so that Council can consider approving the transfer of a liquor license to the new location. Mr. Baumler said there are appeal rights if the applicant does not agree but that this local approval is required prior to consideration from PLCB.

Mr. Papaleo asked for an idea of the location. Mr. Baumler said that the Borough will have it once the application is submitted. Mr. Baumler said that the full plan will be provided along with a sketch plan unless an established location is being purchased. Mr. Baumler said there is also an obligation for the applicant to notify neighbors about the hearing so that they can attend.

Mr. Baumler said that there is potentially a reapplication for conditional use that may come before Council however there is no timeframe for a conditional application heard in August or September of 2021 for two individuals putting in an event space in the Delcroft Shopping Center. Mr. Baumler said that there will be a public hearing on this as well.

Finance Director's Report

Ms. Stilwell said that she is working on getting the audits done to get financing so there could be a report to Council next week.

Borough Manager's Report

Manager Hayman presented his monthly report including information about code enforcement, the highway department and local statistics related to COVID 19 in Delaware County.

Manager Hayman mentioned that he has ancestry to Ukraine and asked Councilmembers if they would be willing to contribute to UNICEF or some other organizations.

Old Business

Ms. DiCicco said it looks like her neighbor's car was in an accident and is not driveable but is parked in front of 508 Folcroft Avenue. Ms. DiCicco said there is a nice PT cruiser with a flat tire parked on the Sharon hill side of the street. Ms. DiCicco said that it is 610 Folcroft Avenue in Sharon Hill. Mr. Bair said he would look into it.

Mr. Ropski asked about the ordinance for stopping truck parking on school lane. Mr. Hayman said there were no updates.

Ms. DiCicco said that she is putting together a pageant for Folcroft's centennial celebration but clarified that this would not be a beauty pageant and that the winner would represent Folcroft in parades and on community day.

There was no new business.

Ms. Isaac made a motion to adjourn at 8:44pm which was seconded by Ms. Grayson. The motion passed unanimously.