

**MEETING MINUTES**  
**FOLCROFT BOROUGH WORKSHOP MEETING**  
**SEPTEMBER 7, 2021**

PRESIDENT – Joseph Papaleo: Called the Council Meeting to order at 7:05 PM

Mayor Frey was absent, Councilwoman Daly lead the Flag Salute and Invocation.

Roll Call (Council President Papaleo, Councilman Kyle Willis, Councilwoman Leigh Daly, Councilman Nick Waters, Councilwoman Malinda Isaac, Councilwoman Lorna Fyffe, Councilman Robert Ruskowski, Mayor Bob Frey is absent, Solicitor Alex Baumler, Secretary/Manager Andrew Hayman)were present.

**Audience Participation:**

Ms Darline Taliafero – 504 Folcroft Ave – came to complain about a neighbor parking in an area she claims is owned by the Borough. Ms. Taliaferro said that she was told that she should petition Council to purchase the Borough. Solicitor Alex Baumler said he did not believe it was a Borough property. Council President Papaleo said he did believe the property in question was Borough owned. Mr. Baumler was unsure but said that from what he had seen previously both parcels are privately owned. Solicitor Alex Baumler stated the names of the owners of the listed property or properties. Solicitor Baumler advised that the Borough did not have control over the parcels. Ms. Taliaferro clarified which parcels she was discussing. Engineer Lisa Catania said she had seen that these parcels are owned by the Borough but was unclear and said that she had asked the solicitor to look into it. Councilmembers and the Borough Solicitor looked into the address and deliberated over where the property is definitively located. Ms. Taliaferro advised that a neighbor had claimed they own the property and accused her of trespassing on it. Ms. Catania said that if it was a vacated street it would give the resident the right to access it even if no longer in use and that the only way to confirm this was if it had ever been dedicated. Ms. Catania said that only dedicated streets can be repaved through PennDOT funding. Mr. Baumler said that the street could have been dedicated decades ago and have a dummy parcel number but no true parcel number listed. Council President Papaleo said it should be looked into later.

Ms. Yvonne Marr – 19 King Avenue – said that she has been in the Borough for two and a half years and that she has seen people with dogs going into the park. Ms. Marr said the signage says “Yes, animals allowed” but that she was told otherwise. Ms. Marr said three police cars had stopped her grandson and said there was an unattended animal in the park. Ms. Marr said the signage should be removed. Ms. Marr said deer and foxes are in the park. Council President Papaleo said this was a good issue and sought advice from fellow members. Ms. Isaac said that she believed that if animals are on a leash and residents clean up after their animals it should not be a problem. Ms. Isaac said that a child could touch feces and not be aware of what it is if residents do not clean up. Ms. Marr said other people had animals in the park an hour later.

Ms. Marr continued and asked if street sweeping was done when it rained. Manager Hayman explained that it depended on the volume of rain as the sweeper can still be used to clean drains but that it would suck up water in a torrential downpour.

Mr. Ruskowski said that the Borough could purchase baggies for waste. Ms. Daly said that she could talk to Shawn Payne about finding a good price on the baggies. Councilmembers expressed collective interest in getting a dog park. Chief Bair said that by listening to what was said, the Police were called because they were told it was a dog at-large and the police had to show up in case it was aggressive. Chief Bair said officers will not leave the vehicle if the animal is deemed aggressive. Chief Bair said that animal control would be called in most instances but that officers are not dispatched for someone walking a dog on a leash, regardless of the breed. Chief Bair said that officers have to respond to a call no matter what. Chief Bair said that residents would be displeased if officers did not show up and expressed support for a dog park. Chief Bair said that in his own personal life he lets his dog run off the leash when nobody is around.

Mr. Joseph Donnelly – 1528 Llanwellyn Ave – said he had one question, saying that everyone knows Llanwellyn, King and Folcroft Avenue are one way. Mr. Donnelly listed specific sections of roadway and asked if portions of them could be listed as two-way. Mr. Donnelly said that residents don't turn left at the top of King Avenue and go down the alleyway. Mr. Donnelly said that he thinks it would be best to make it two way. Mr. Donnelly asked if the "no left turn" sign could be removed. Engineer Lisa Catania said there may be an ordinance requiring it and that she would have to look into it. Council President Papaleo said it would be looked into. Councilmembers thanked Mr. Donnelly for the suggestion.

Ms. Taqueasha Burton – 914 Taylor Drive – asked about permit parking. Ms. Burton asked about parking in the back and that she has enough parking already. Ms. Burton asked if her shared driveway should be repaved as it is already in good condition. Council President Papaleo said it depended on the engineer doing the work. Ms. Burton asked if her driveway could be paved at the same time so it would be done the same way. Ms. Catania said that this would make sense so there is no seam, however because of how parking areas are graded, for the Borough to take responsibility for drainage issues related to the. Ms. Catania said it made sense to do this but it would force the Borough to take responsibility for drainage issues that are long term. Ms. Catania said that every time private citizens ask for separate work it becomes an issue as a municipal contractor doing the work. Ms. Catania advised that this would have to be done after the work is completed.

Ms. Burton says she has a sump pump and asked if repaving over it would be an issue. Councilwoman Daly said that they would dig down and that the whole area would be graded as drainage is already bad. Ms. Daly explained that a lot of the problems are related to preexisting drainage issues and that this is exacerbated by some people who are not maintaining their driveways.

Joseph Donnelly said that from what he is hearing, is the Borough planning on having the company doing the back alleyways shoot elevations and do other work. Ms. Catania said this would not happen. Mr. Donnelly said that last time the work was done his garage flooded. Mr. Donnelly said the way it was fixed was a six inch speed bump at his garage door. Mr. Donnelly said that the work was done years ago

and that they went right over everything. Ms. Catania said there would not be regarding with valleys and high points on the driveways as the committee did not consider doing it. Mr. Donnelly said he understood and inch and a half would be taken off and now the Borough would be down to the original driveway paved years ago. Ms. Catania said she hasn't even looked at them yet and that this is a hypothetical. Mr. Donnelly said that he would have to have a speed bump for the rest of his life. Council President Papaleo said that this needed to be ended and it would be discussed later on.

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

- Councilmembers discussed a project labor agreement. Manager Hayman explained the background and that this would pertain to the construction of the new Borough Hall. Councilman Willis said that this would pertain to union labor and said that it would allow the Borough to make sure that everyone working on the project would be paid the amount their supposed to. Councilman Willis said this ensures the best quality work available and that everyone is getting paid the amount they're supposed to. Manager Hayman explained that this helps reduced unexpected costs, keeps timelines going and other matters. Solicitor Alex Baumler said that Pennsylvania does not have a statute which prohibits or allows these agreements and municipalities have entered into such arrangements. Mr. Baumler said that PennDOT entered into a suit with a private company in 2019 and the Commonwealth Court struck the bidding down, saying it created unfair discrimination against non-union contractors. Mr. Baumler said that the lesson learned was that there would probably still have to be a bidding process which allowed union and non-union bidding process. Mr. Baumler said the Supreme Court declined to hear the case. Mr. Baumler said that until the supreme court weighs in on the matter there will be no specific matter. Council President Papaleo asked what the ramifications could be. Council President Papaleo said he wanted the building built but was open to a project labor agreement. Solicitor Alex Baumler said he would caution that the bids could be thrown out if the Borough was ruled against.

Manager Hayman noted that union construction sites are also significantly safer statistically and that while they could come in more expensive this was not a guarantee. Councilmembers agreed that the matter could be voted on at the following voting meeting.

#### **Public Works Committee** - *Mr. Willis*

- There was no new business listed.

#### **Public Safety Committee** - *Mr. Ruskowski*

- Councilman Ruskowski discussed purchasing a new unmarked vehicle. Council President Papaleo said that there was an incident weeks ago in which a Borough Police vehicle was stolen by an assailant. An officer stepped out of his vehicle and an individual opened fire. Chief Bair said that the state police were going after a person wanted for attempted homicide and they found the vehicle and that a chase proceeded all across the county. Chief Bair said that the vehicle was lost somewhere in Folcroft but then an unmarked drug officer found the vehicle and followed it. Chief Bair explained that the person got off the bike and then fired upon the Folcroft officer and then made off with the Borough vehicle. Chief Bair said the vehicle was found in New Jersey with all weapons accounted for but SWAT material was missing

and still has not been recovered. Chief Bair said that this vehicle was in the news and that now people may be able to identify the vehicle. Council President Papaleo said the vehicle sustained heavy damage in the process and it has no function for the Borough, anymore. Council President Papaleo said that it was needed to replace its function. Chief Bair said he did not know what it would cost to sell for the purpose of using the funds to purchase a new vehicle. Ms. Daly said that if it doesn't need to be totaled it could be sold. Chief Bair said he believed the Borough needed to find out more about what it's going to cost, whether a trade-in or fixing and selling it. Chief Bair said he would like a new vehicle but was not sure what was best. Chief Bair said later on the Borough could look into it later on. Chief Bair said the new vehicle was \$12,500. Mr. Baumler said the Borough could not vote on it this evening.

- Councilman Ruskowski discussed purchasing new gun racks for Police vehicles. Chief Bair said that at one point, it was decided that all AR 15s should be in the trunk as it was a safe area. Chief Bair said that it has been found that this makes the AR 15s inaccessible. Chief Bair said that officers would prioritize less-lethal shotguns which would be in the safe. Chief Bair explained that AR 15s would be in the center of the vehicle, in a rack facing up with a separate button to get the weapon released which is secret and not easy to use. Chief Bair said that after what occurred, he obtained a tool that when the officer is put in park nobody can operate the vehicle unless they know how to unlock it. Chief Bair said this was of no cost to the Borough as it comes from drug funds and that they cost \$119.00 each. Chief Bair said the Dodge Ram would not use the tool. Chief Bair said that the only downside is that not being able to flee might lead to a gunfight. Chief Bair said that his officer was very lucky. Chief Bair said that numerous state and federal agencies already have the tool. Chief Bair said that this is not a package deal with the vehicles we already have.

Chief Bair said the gun rack idea was spurred on by an AR 15 being in between the driver's and passengers seat and that the Borough only needed 5. Chief Bair said that the Borough only needs 5 of the gun racks for a total of approximately \$1,500 for the patrol cars. Council President Papaleo confirmed with Ms. Donna Stilwell about if the funds for these were available.

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

- Ms. Isaac said she went to the Garrettford Drexel Hill fire company for a vaccine clinic. Council President Papaleo asked Manager Hayman to add Ms. Fyffe to new committees for the next agenda.

#### **Municipal Planning and Zoning** – *Mr. Waters*

- Councilman Waters had no new business to discuss.

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

- Councilwoman Daly said that she wanted to make sure that all members here attend the event. Ms. Daly said the fire department, police, highway staff and borough manager would attend. Ms. Daly said PECO is donating \$1,000 for community day, which is very helpful and that the Delmar Pharmacy gave \$200. Ms. Daly said there are vendor fees ranging from \$25 to \$100. Ms. Daly said lots of applications are out but slow to come in. Council President Papaleo asked if there would be a beer

stand. Councilwoman Daly said she did not want alcohol in this event as there would be children. Ms. Daly said that not many businesses have responded. Ms. Daly said she was unsure if Nurses United Against COVID would be attending. Ms. Daly said Frenchie Davis would be giving a presentation and some other vendors would do presentations. Ms. Daly said there is one confirmed food truck and others who said they had contributed but checks had not been received. Ms. Daly said that her emails were marked as spam by someone and now her emails get flagged as such for everyone she emailed. Councilmembers discussed how to this email account.

### **Municipal Legislation** – *Mr. Waters*

- Councilmembers considered a traffic signal maintenance resolution authorizing the Borough Manager to submit a maintenance agreement to PennDOT. Engineer Lisa Catania said that in 2020 PennDOT updated traffic signal maintenance agreements. Ms. Catania said that all signals in the town are owned and maintained by the Borough, even on state highways. Ms. Catania said that when Beacon of Folcroft LLC came in, it was found that the agreement was not executed and that this would resolve that issue. Ms. Catania said PennDOT will not do a review and act on it until this contract is reviewed and access. Ms. Catania said she would advise that Council approve the agreement at the next meeting about who can authorize the approval. Mr. Baumler said it looks like the contract has been updated for 2021 and it can be done simultaneously on the same resolution.
- Councilmembers considered of resolutions authorizing the Borough Manager to submit an application to the Delaware County Open Space and Greenways municipal grant program. Ms. Catania said this is actually three resolutions but that she had only sent two and explained that this is for open space and recreation. Ms. Catania said that she was told initially that the Borough was entitled to a non-competitive Grant, which could be done for an overall Borough open space and recreation plan. Ms. Catania said the Borough was also eligible to apply for two competitive plans, one for enhancement or acquisition. Ms. Catania said the Borough had discussed an enhanced grant for improvements for an outdoor classroom. Ms. Catania said this was focused on Llanwellyn Park and to maximize the ability to put the grant in for a master plan which will allow more grants. Ms. Catania said there would be a study committee containing 5 to 9 people and include public meetings for input. Ms. Catania said this would not be her as she is not a professional planner although she has done them. Ms. Daly said it could not hurt to put in a plan for both.

Mr. Papaleo said he was concerned about parking at Llanwellyn park. Ms. Catania said that this was the point of the study group. Ms. Catania said that she received an email from Jean Lynch and that everything is set up for eligibility for DCNR grants. Ms. Catania said she expected the projects we were looking at would cost \$300,000 and that we could get up to \$250,000 for the project from the County, but more funds from DCNR could be received. Mr. Papaleo asked what needed to be done. Ms. Catania said there were three resolutions – one for comprehensive space. Ms. Catania said the only resolution the Borough did not have was for the master plan at Llanwellyn Gardens Park. Ms. Daly said she posted online the other day that the remains of a sailor from Folcroft is being buried in Drexel Hill as he was recently found and asked if this information could be listed on signage. Ms. Catania said she is working on a similar project in a nearby municipality and a placard with photos could be emplaced so residents

know what this park name means. Mr. Papaleo asked about a granite stone. Ms. Catania said it would be virtually impossible to do a granite stone. Ms. Daly said she said there were signs with interpretive information along the Delaware River. MS. Daly said she could get pictures of the signs. Council President Papaleo said that he was toying with the idea of a rename when he believed the park was named after a Revolutionary War general from New York.

Ms. Catania said she also has a PECO green region grant due on the 30<sup>th</sup> of September for \$10,000. Mr. Papaleo asked if it could be used at the traffic triangle “pork chop” at Delmar and Primos Ave. Ms. Catania said she would look into it.

#### **New Construction Committee** – Mr. Willis

- Mr. Willis had nothing listed to discuss.

#### **Parking Permit Committee** – Mr. Willis

- Councilman Willis discussed two permit parking payment exemptions, provided to members of Council. Mr. Willis recommended that both exemptions be approved for residents with fixed income, seniors with disabilities. Mr. Willis said he believed both members were low income and should be approved. Mr. Willis said the first was for Kevin Boone and based on the income the exemption should be approved. Mr. Willis noted Elisabeth Elvanian who is also low income. Mr. Papaleo said that an employee should talk to Ms. Elvanian about a property tax/rent rebate as she would likely qualify.

Council President Papaleo brought up a concern from a resident on Carter Road who will always have vehicles parked behind her home but a third would be parked on the street and they asked to have the right to swap out parking permits between vehicles, listed in Borough offices. Mr. Willis said that the reality is that many residents are in this same situation. Ms. Daly said that she is home and keeps her permitted vehicle on the street. Manager Hayman brought up some logistical concerns and said it would make enforcement harder. Mr. Papaleo said his thought process was to get residents to maximize use of off-street parking and that this question does not impede this end. Ms. Daly said there were two goals – to keep vehicles off the streets and put money in the bank to repave driveways. Ms. Daly said that it would effectively put three of the same stickers on all cars in the household. Ms. Daly said this would work in a town where the only goal was to keep vehicles off the street entirely. Mr. Papaleo said the gentlemanly thing to do would have the male in the household park in the street. Mr. Papaleo said he would let the resident know that Council had rejected the plan. Mr. Papaleo said the biggest complaint from residents early on was that they could not have placards in their windows. Ms. Isaac said that working in the mental health field or are on food stamps, she does think there should be some recourse. Mr. Papaleo said this is what the exception was for. Ms. Daly said that it should be for those who show proof. Mr. Papaleo said that’s what these exemptions are for.

There was no old business to discuss.

Under new business, Mr. Baumler said the following:

Mr. Baumler said the State Legislature updated the Sunshine Act that went into effect on August 29<sup>th</sup>. Mr. Baumler said major changes included agendas having to be set and published 24 hours prior to the meeting. Mr. Baumler said that this was not required previously but now it is the law and that adjustments couldn't be made alter. Mr. Baumler said there would be exceptions but they can't involve the expenditure of monies or the entering of a contract or agreement and that an exception is discussing items with residents if brought up but no big items could be listed after that deadline. Council President Papaleo said he wanted to confirm with the Borough Manager that mistakes on the agenda could be catastrophic and stressed that everything should be.

Chief Bair said he was notified by the assistant for the crossing guards that there have been only two days of school counting tomorrow and an employee has called out twice. Chief Bair asked if this needed to be discussed in public. Donna Stilwell said that the Borough might have an agreement with the School District that the Borough should be reimbursed for a portion of the wages. Chief Bair said that he had three names for substitute crossing guards as all clearances and other required information has been received.

Chief Bair named the employees as Germaina Jenkins, Donna Macque and Theresa Busfeld. Chief Bair said all three had passed qualifications. Mr. Ruskowski said these three substitutes could be moved around.

Councilman Ruskowski made a motion to adjourn the meeting, Councilwoman Daly seconded the motion. The motion passed unanimously at 8:48pm.