

MEETING MINUTES

FOLCROFT BOROUGH COUNCIL MEETING

April 20, 2021

PRESIDENT – Joseph Papaleo: Called the Council Meeting to order at 7:00 PM

Mayor Frey took a moment for the people who are still getting COVID 19

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

Audience Participation

There was no audience participation.

Engineer's Report

Engineer Catania said that the plans for the new Popeyes were provided but no grading plan was provided. She said that hopefully by the end of the week work can begin. Engineer Catania said that the work on Safestor is going well and previous issues with erosion and sedimentation have subsided. The 2021 Roads Program Contracts have been received and the PECO check should have been received or will be received at any moment. Engineer Catania said that a map of the area has been given to AF Damon and she will be meeting with AF Damon to ensure that there is appropriate parking for residents while milling and paving commence. Engineer Catania said that once a parking plan is enacted she will work with Manager Hayman to make sure residents are notified.

Engineer Catania said that the small water and sewer grant program grant is not going to be extended as there are outstanding audits. If the 2020 audit can be compelled by June they will give a disbursement for that fund. She said that DELCORA has agreed to install a flow meter at Montgomery Park as this is part of their maintenance agreement. She said that the Borough is still waiting on the signed contract for the new Municipal Complex but hoped that this would be resolved shortly. She said DELCORA had provided a long term plan as part of their NPDES plan with the State, however she had not read it as it was long. Engineer Catania wanted to be aware of what it is that DELCORA was asking of the participating municipalities. She said she spoke to PennDOT about greening up of Hook Road and greening up the intersection and advised that it may be advantageous to meet with both Darby Township and Folcroft Borough at the same time. She said that DVRPC takes two projects on annually and as the two municipalities would be working together this might give the greening project an edge. Engineer Catania asked permission to contact DVRPC to find out if they were interested.

Engineer Catania said the DELCO greenways grant is moving forward and that 25% of the funding would be provided for the amphitheater project. She said that DCNR grants might be an option and PECO green regions would only be \$10,000 and were only a dent in the project. Engineer Lisa Catania said that

an application for an event center at the Delcroft shopping center had been submitted as the intended use was not allowable. Engineer Lisa Catania said that this would go through the planning commission and would then go through to Borough Council for approval.

Council President Papaleo asked if he needed Council's approval to reach out to DVRPC. Solicitor Alex Baumler confirmed that he did not. Council President Papaleo asked what sort of event center this would be. Engineer Catania said it would be for small weddings and baby showers and said the applicant's name was Natasha White. Engineer Catania said this could also be used for training sessions.

Public Finance & Administration - *Mr. Papaleo*

- A motion to approve the bill list for the month of March, 2021 was made by Councilwoman Isaac and seconded by Councilman Ruskowski. The motion passed unanimously.
- A motion approve the Treasurer's report for the month of March, 2021 was made by Councilman Waters and seconded by Councilwoman Isaac. The motion passed unanimously.
- A motion to approve the March 2nd, 2021 Workshop Meeting Minutes and March 16th, 2021 Council Meeting Minutes was made by Councilman Waters and seconded by Councilwoman Isaac. The motion passed unanimously.
- A discussion of dispersing \$2,000 from the General Fund in the Police Department Sunshine Fund was had. Council President Papaleo said that the County had borrowed a vehicle from the Borough and that \$12,000 had been paid to the Borough for the rental. Council President Papaleo believed that the Police deserved partial payment to the Sunshine fund as a thank you. Chief Bair said that the sunshine fund to buy flowers and condolence items and also to help residents in the event that they are in need. Solicitor Alex Baumler said there was no legal prohibition for disbursing these funds.

A motion to disburse \$2,000 from the general fund to sunshine fund was made by Councilman Ruskowski and seconded by Councilman Waters. The motion passed unanimously.

Public Works Committee - *Mr. Willis*

- Councilman Willis said that he had asked Shawn Payne and Andrew Hayman to give a presentation for giving out cold patch to Borough residents. Manager Hayman said that he was aware that things like this were done previously. Without buying prepackaged cold patch, it would be impossible to distribute this to residents at no cost. Instead, Manager Hayman suggested purchasing cold patch in bulk to be distributed from a bin at the Montgomery Park Pumping Station. Manager Hayman said that this could not be unmanned as it would specifically be for Folcroft residents alone and that this could be started as soon as Council said so. Council President Papaleo asked if this bin would be under lock and key at Montgomery Park. Manager Hayman said that it would be hard to have highway employees at Montgomery Park during the day as we are short staffed. Council President Papaleo said the best time to do this would probably be Saturday morning. Councilwoman Isaac said that she believed it would be best to have someone present at the giveaway to ensure that nobody takes more than they should or takes any from another municipality. Council President Papaleo noted that having

staff on hand also increased the cost for the Borough and that this made it worth more to check identification. Manager Hayman also noted that this made it easier for the Borough to encourage residents to fix potholes instead of fining them. Council President Papaleo said he thought this was an important job. Councilman Willis said that the Borough could use this material as a tool to divert fines in the future as well. Council President Papaleo said that a tutorial video could be created to show residents how to use it. Councilman Waters asked if this was available for “Old Folcroft” residents as well. Councilman Willis said this was just a general fund expenditure open to all residents.

A motion to purchase \$1,000 of cold patch to disburse to residents at no cost was made by Councilman Willis and seconded by Councilman Waters. The motion passed unanimously.

Public Safety Committee - *Mr. Ruskowski*

- A motion to approve the Police Chief’s Report for the month of March, 2021 was made by Councilman Ruskowski and seconded by Councilwoman Isaac. The motion passed unanimously.
- A motion to approve the Fire Chief’s Report for the month of March, 2021 was made by Councilman Ruskowski and seconded by Councilwoman Isaac. The motion passed unanimously.
- A motion to approve the Fire Marshall’s Report for the month of March, 2021 was made by Councilman Ruskowski and seconded by Councilwoman Isaac. The motion passed unanimously.

Public Health and Literacy - *Ms. Isaac*

- Council considered approving an agreement to repair the electrical sockets and lighting at the Clocktower as the Borough had been provided several quotes. Councilwoman Isaac said that Engineer Catania had said that the previous company that did electrical work had agreed to come back and fix the work. Council President Papaleo said he believed this was for different lighting features as noted in the document. Mayor Frey said that this was for two different items and not the clocktower lighting. Council President Papaleo clarified that this was for lighting on the ground level at the clock tower. Engineer Lisa Catania said that this was for different work. Council President Papaleo said that Mecca electric could be held responsible for other work while engaging in this work as well. Treasurer Donna Stilwell said that the clock tower fund has \$474,000 in it and that it had a very good year of gains in 2020. Treasurer Stilwell said that members had received a copy of the balance sheet and we set up a fund for it.
Councilwoman

A motion to approve an expense of \$4,725 for clocktower work with Mecca Electrical with the scope of work included in documents sent to Council was made by Councilwoman Isaac and seconded by Councilman Waters. The motion passed unanimously.

- Council considered approving an agreement to replace the chime mechanism at the Clocktower. Council President Papaleo said this was an agreement in the amount of \$5,560. A motion was made by Councilwoman Isaac and seconded by Councilman Ruskowski. The motion passed unanimously.

Lastly, Councilwoman Isaac said that everyone is now eligible for vaccines.

Municipal Planning and Zoning – *Mr. Waters*

- Councilman Waters said that an application for a charter school has been submitted to the zoning hearing board and would be heard on April 28th. Council President Papaleo asked Solicitor Alex Baumler if Council could intervene as it would clog traffic. Solicitor Alex Baumler said that he would send speak with the Zoning Hearing solicitor as there were some issues with the permitted use for the application to the board. Solicitor Alex Baumler said he was confused as to why this went to the Zoning Board to begin with. Solicitor Alex Baumler said that he believed that this should go before Council but cautioned that Councilmembers should not express their opinions about the application until the evidence is before them and testimony is heard. Council President Papaleo said he did not want his previous comments to be misconstrued as his opinion on the application. Solicitor Baumler said that the hearing must be unbiased. Solicitor Alex Baumler said that this should be before the board as a conditional use. Solicitor Alex Baumler said that if they could not correct the matter he would have to go before the board to seek an extension and that the applicant is probably ready to present now. Solicitor Alex Baumler said that he would not personally be asking questions of the applicant. Mayor Frey asked where the school would be. Council President Papaleo said it would be where the old factory and archery building used to be. Solicitor Alex Baumler said it was 1800 Delmar Drive, units 20 and 22. Council President Papaleo noted it was a few hundred feet from a bar. Mayor Frey said the fabric factory was infested with black mold and was unaware if it had been cleaned or not. Council President Papaloe thought there might also have been radon remediation in the area. Solicitor Alex Baumler said he would let members know what issues would be looked out for.

Solicitor Alex Baumler said that there has been a back and forth over the past week between 540 and 542 Folcroft Avenue. He said that the application was deemed administratively complete as of April 6th. Checks had since been received from the applicant on April 6th so a land development resolution will be prepared to considered. Solicitor Baumler said that in the worst case scenario this would be approved in the first meeting in June if needed.

Public Parks and Recreation – *Ms. Daly*

- Council considered approving an agreement for tree trimming at Montgomery Park but noted that she was using her phone and could not review details. She said she was aware that she was to consider pricing for trees to be cut back at Montgomery Park but that she did not have the bids with her. Manager Hayman said that Haggerty's Landscaping Designs gave a quote for \$4,700 for restoration of the playground area including spraying the playground with weed killer and a vapor barrier with wood chips, though the wood would be provided by the Borough. Manager Hayman also noted a quote from Jake's Tree Service for the removal of vines and overgrown branches for \$3,000. Manager Hayman noted a quote from Anthony's Tree Service for this same product at \$3,500. Lastly, Manager Hayman said that there had been a quote from Britton Services for 100 cubic yards of mulch, ranging from \$1,000 to \$2,000 for this material and advised that Council go with the cheapest option. Councilwoman Daly asked if the \$2,000 was for mulch or tree removal. Manager Hayman explained that the tree removal was separate and that this was just for the mulch.

Engineer Lisa Catania said that the Borough needs to ensure the weed killer is safe as children will be using it. She said that the ground killer is safe as children and animals could be exposed to it. Councilwoman Isaac asked if there was an issue with the barrier to help keep woodchips from degrading. Engineer Lisa Catania said the barrier keeps weeds from going through it but allows water to pass through as some of the filter fabric is not this fabric. Engineer Lisa Catania said that a new drainage system is at the new Borough playground and said that the nature of mulch is that it decays. Engineer Lisa Catania said that safety mulch is engineered to not get mold spores.

Councilwoman Daly said that she was alright with approving the tree trimming but wanted to wait on approving mulch to ensure it was the right type.

A motion to accept an offer from Jake's Tree Service in the amount of \$3000 to cut trees at Montgomery Park was made by Councilwoman Daly and seconded by Councilwoman Isaac. The motion passed unanimously.

Solicitor Alex Baumler said Council could approve the expense now but could table the motion. Manager Hayman if a conditional motion could be made. Solicitor Alex Baumler said that as Council would be meeting again in 13 days it would be worth waiting. Council President Papaleo asked if Shawn Payne had specifically mentioned the intended use of the mulch and noted that the product should already be child safe. Councilwoman Daly said that only one company suggested putting a barrier down and that this was a concern. She said that this was the same company that wanted to spray for weeds first. Engineer Lisa Catania said that the proposal does not talk specifically about the weed killer specifically. Engineer Catania said that if Council went with the proposal it should be contingent on the vegetation killer and that this be conducive to playground use. Engineer Lisa Catania did not believe it would cost any more for the specific fabric. Councilman Willis said that the Haggerty's landscaping quote would be installing woodchips from a vendor that would be supplied by the Borough and he understood that the type of wood chips should be confirmed. Engineer Catania said that Britton Industries has PEMA certified playground mulch and said this was the correct mulch. Councilman Willis said the lowest price was Holland but Britton was only \$95.00 more. Council President Papaleo asked if the type of wood chips was mentioned in the proposal and said he believed that Council could take action. Engineer Catania said that there still are many vendors who can provide this type of mulch.

Councilwoman Daly said that some residents have brought to her attention that there is graffiti on the back wall of the snack bar and some drug debris was found on the ground as well. She said she was aware that Shawn Payne is going to clean this up. She said she recommended that Police patrol this area more and that they check behind the snack bar as it is a private location. She said that the backboards have been ordered and will be in within the next two weeks. She said that she has over 20 volunteers and block captains for the upcoming cleanup. She said that the banner was not made well and had to be taken down. She said that she still does not have a cleanup captain for Llanwellyn gardens. Councilwoman Isaac asked about movie night. Councilwoman Daly said that she decided to push this event back.

Council President Papaleo lost service and Councilmembers briefly halted the meeting. Council President Papaleo returned at 8:03pm. Council President Papaleo believed he left when members had decided to hold off on the playground restoration. Council President Papaleo asked if there was any other business.

Municipal Legislation – *Mr. Waters*

- Councilman Waters had no new business to discuss. Manager Hayman said he did intend to have a template schedule of fees but that it would have to be delayed.

New Construction Committee – Mr. Willis

- Councilman Willis said that he had a signed, scanned version of the contract but without the “wet” signature. He said it was scheduled to be delivered today but that it will be handed in tomorrow, instead. Council President Papaleo returned after technical issues. Councilman Willis said he was expecting a schedule with a timeline and that sitework should be able to start in about two weeks after mobilization, tentatively in the first week in May. Councilman Willis said that he wanted to get this information soon to handle oversight of construction. Engineer Lisa Catania said that once this was in hand a notice to proceed would be issued, which would start a timeclock of when construction must be completed. Councilman Willis said that once the signed document is provided Engineer Lisa Catania can move forward. Councilman Willis noted that the project should be completed within a year, beginning in the first week of May.

Parking Permit and Paving Committee – *Mr. Willis*

- Councilman Willis asked Manager Hayman for information about the appraisals and ask to be corrected if needed. Councilman Willis said the appraisal was in the process of doing measurement and finding title information. Manager Hayman said he may not have finished all of the measurements but that he and Engineer Catania had met with him last week. Council President Papaleo asked if both the odd and even sides of Grant Road would be essential to measure as it has all the different types of exits and entrances off of the roadway. Engineer Lisa Catania said that the areas where the lot has a driveway entrance off of the roadway down the long side of the property and behind. She wanted to make sure that Kevin Ryan was aware of this. Engineer Lisa Catania said she was aware of any deeds from sales over the past 20 years and had them on file. She said 14 properties deeds were pulled for the measurement. Engineer Lisa Catania said she left when Mr. Ryan was measuring the even side of Grant Road. Councilman Willis asked to have one example of the deed sent over to Solicitor Alex Baumler as this is an important step as well. Councilman Willis said that he is still in the process of finalizing the ordinance as well. Solicitor Alex Baumler confirmed and said that as far as he is concerned the work is done and the advertisement is going out next week.

Police Chief’s Report

Chief Bair said that he wanted to review that there were two arrests by Officers and there was a shooting about a week and a half ago and that the DA’s office is finalizing charges. He said that the

Police have been targeting speeders and those running stop signs as well as abandoned vehicles. He said that the Police will patrol Montgomery Park a bit more and thanked Council for the donation.

Solicitor's Report

Solicitor Alex Baumler said that he believed he had touched on everything that he had. As an update to the DELCORA matter that the Borough had authorized DELCORA to do bore testing to start easement construction and formal easement agreements should be received in a few weeks.

Finance Director's Report

Donna Stilwell said that Councilmembers should have their report but offered to field questions. She said that she would call Maillie to move the audits along and Chris Herr had been sent lots of reports.

Borough Manager's Report

Manager Hayman said that currently, a total of 111 fines have been issued for various issues in the month of March. As of Manager Hayman saying this, only 19 fines had been issued in the month of April. Manager Hayman said that 43 fines for grass and weeds have been issued over the past two days alone and encouraged residents to please get the grass cut. Manager Hayman said that he was approached by an Upper Darby resident who created a 501c3 called Nurses United Against COVID which would provide COVID 19 vaccines to residents of Delaware County and that they were just allocated 2,200 doses of Moderna and Pfizer. Manager Hayman said that the nurses has visited the Borough gym and that a clinic could be hosted in as little as a week. Manager Hayman said there would be a specific phone line for residents to call and register. This would be for both doses so people would return a few weeks later. Manager Hayman said there could be several events. Councilman Waters said he mentioned this a few weeks ago and thought it was declined and wasn't sure what had happened. Manager Hayman said there weren't enough doses and now large amounts of the vaccine have been allocated for the County.

Manager Hayman said that now a total of 8.64% of Borough residents have tested positive for COVID 19 and that over 50 more residents have tested positive. A total of 6 residents have died from COVID 19 as of this manager's report. Solicitor Alex Baumler said that he understood there would be some memorandum of understanding with Chester County to approve this event. He said a motion to approve this event would not be allowed. Manager Hayman said that this was directly from the 501c3 and that the vaccines were received directly from the State. Council President Papaleo said that he isn't waiting for permission from Chester County. Solicitor Alex Baumler asked Manager Hayman to seek more information from the 501c3. Solicitor Alex Baumler said he wasn't aware of whether or not Delaware County was in the permission to approve this event or how this would work. Manager Hayman said he understood that they were automatically protected from litigation for issuing the vaccine. Solicitor Alex Baumler said the Borough could approve the use of facilities and then move forward later on.

There was no old business.

Under new business, Council President Papaleo said that with Juneteenth approaching and public events permissible again, he wanted to do a Juneteenth event. He said the Borough of Folcroft is the first

municipality in the County to allow employees off for the day and recognize Juneteenth as a holiday. Councilman Waters said he had come up with a Juneteenth festival for Folcroft. He envisioned a Barbecue, balloons, clowns and other items. Councilwoman Isaac thought it was a great idea and asked what day of the week Juneteenth was, to which Council President Papaleo and Solicitor Alex Baumler confirmed it was on a Saturday. Councilwoman Isaac said she understood that people who are fully vaccinated are allowed to travel and intermingle with those who are vaccinated but with caution. Council President Papaleo asked if any members objected. Councilwoman Daly said she would not be able to help as she has other things happening on the 19th. Council President Papaleo if new, fresh talent could get involved. Councilwoman Daly asked if he was referring to a member of her committee. Councilwoman Daly said that she has 15 fantastic members and that she was only not able to attend because of other matters. Councilwoman Daly said that she would be interested in introducing him to members and that the next meeting is May 5th.

Councilwoman Daly asked if there was going to be a discussion of the fire truck as she understood some information was being obtained. Council President Papaleo said he understood Councilman Willis was awaiting information from Chief Weber. Councilman Willis said the telesquirt is down due to a coolant leak and that Chief Weber has spoken to the service company – halo service- and they would be able to do a full workup on problems with the truck. Councilman Willis said that it was about \$300.00 for the full inspection. Councilman Willis said he is looking up charges for how much has been spent on repairs over the past few years on this truck. Donna Stillwell advised to go to the service department as there is no way to distinguish between vehicles.

A motion to adjourn was made by Council was made by Councilwoman Isaac and seconded by Councilman Waters. The motion passed unanimously at 8:31pm.