

AGENDA

FOLCROFT BOROUGH COUNCIL MEETING

JULY 7, 2020

PRESIDENT – Joseph Papaleo: Called the Council Meeting to order at 7:26 PM. Council President Papaleo noted that the meeting began late due to an executive session and that he would like executive sessions to begin after the meetings.

Mayor Frey began by calling for a moment of silence for all those dying of the COVID 19 pandemic, which is resurgent. He then called the pledge of allegiance.

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

Solicitor Alex Baumler reminded Council President Papaleo to call an executive session. Council President Papaleo noted that there was an executive session held directly prior to the meeting and that this was the cause of the initial delay.

Audience Participation

Borough Manager Andrew Hayman said that there no official comments read into the record but that the Library Director said that some resident utilize the wifi (internet) from the Library and that she requested tables and chairs so they can sit down in comfort. Councilwoman Isaac said that she had spoken to the Library Director and that she intended to discuss this in her report. Councilman McGuigan suggested that we have several tables for seniors available as they have not been meeting, anyway. Council President Papaleo asked if Councilmembers wanted to get something more esthetically pleasing. Councilman Willis said we can deal with that part later but wanted to know if we have chairs. Councilman McGuigan said that the room is filled with tables and chairs. Mayor Frey said Home Depot has picnic tables and chairs. Solicitor Alex Baumler confirmed that there would not be a voted needed if there was no expenditure.

Engineer's Report

Engineer Lisa Catania said that she wanted to let everyone know that the list of streets for the road program has not been decided and that the cost of paving has gone up \$10 per ton. She suggested doing something about this problem sooner rather than later and not waiting until next month, otherwise we will have to revisit cost estimates.

She said she was asked to do the price for crosswalks and she got a price for \$750 to do three crosswalks at the intersection of Elmwood and Garfield. She will send over the approved municipal security agreement tomorrow and she has not seen anything formally from any of the other applicants. Safestor is trying to get it's sanitary sewer module available. She said they were listed as being in the

wrong watershed. She said there's been a review of the NPDES which hopefully be able to be resolved by the end of the year. She asked if any members had any questions.

Public Finance & Administration - Mr. Papaleo

- Council President Papaleo discussed the implementation of a parking permit program in Folcroft. He said that tomorrow he has to contact the Borough Manager in Doylestown, which he said is a comparable town in Bucks County that has a comprehensive parking plan. He said that they also have metered parking plan which we would not have. He said there is an application that would allow residents to sign on to an application and pay for guest passes without having to come in to Borough Hall. He said that we live in a very urban community and people live close together. He said we are moving into the planning phase of rolling out this plan. Councilman Willis clarified that the intention is to make a separate, ad hoc committee that would be open to citizen's concerns. Councilman Willis said it would be a committee of both citizens and Councilman that would be very public. Council President Papaleo said he was open to this plan, noting that Councilman Waters, Willis and himself would be on it. He said there would need to be studies done to investigate the work. Solicitor Alex Baumler confirmed that anything larger than three members of Council on a committee would trip the sunshine act. Mayor Bob Frey asked if anyone had spoken to Lansdown, which has implemented a similar program. Solicitor Alex Baumler said that an ad hoc parking committee in public would not be a violation of the sunshine act as there would be no quorum. Alex Baumler said that we could add new members but that they would have to have open notices. Council President Papaleo said he was officially forming an ad hoc committee of Council President Papaleo, Councilman Waters and Councilman Willis.
- Council President Papaleo discussed repairing and paving shared driveways in Folcroft. He projected that if this was done correctly, it would generate up to \$300,000 in revenue which would satisfy any loans taken out for the resurfacing and driveway repair project in Folcroft. Councilman McGuigan said that \$390 would be more than enough to do the program, but suggested that this money should exclusively be used for the driveways as he was concerned that there may be extra money left over. He asked that Solicitor Alex Baumler make the Ordinance air-tight so that the money is used only to help those who pay the permit fees. Council President Papaleo asked that if we have any employees who do that work exclusively revenues raised would also go only to funding this project. He said there was some talk of allowing the Police to enforce permit rules but that he was not sold on the concept as 1. The Police have a wonderful reputation with our residents and nobody likes the person who writes parking tickets and 2. The revenues generated from violations (clarifying that residents will be given plenty of warning) will take a back seat to Police visit, citing an example of what might occur if an officer has to leave for several hours on a call, but that he was open to suggestions. He said this would be an odd shift from midnight to approximately 7:00am.

Council President Papaleo said another item that is not on the agenda but he expected to see is fireworks. He said he is tired of hearing them all hours of the night, seven days a week. He said residents are entitled to some element of peace in the night before they have to go to work. He said we are currently not in compliance with state law in terms of how some things are done and that kids are blowing things up in the middle of the street. He believes Council should pass an ordinance in which

these rules can be relaxed. Mayor Frey asked if we overstep the state by doing this. Solicitor Alex Baumler said that municipalities have the right to have more control over regulating fireworks and being stricter than the state. He said that the 2017 law passed allowed municipalities to have stricter laws but that not everything can be done. He said that time and location of use could be regulated and be more strict than the state law. He said you can't buy or use over age 18, fire inside a structure or from a vehicle or use intoxicated, however we could limit the timing. Councilwoman Isaac said the one concern she had, due to safety, is to allow people to go into the field behind the firehouse where people could light them off. This would allow more people to see the fireworks but would also help with safety. She said she hears them at 10-11pm and that this is far too late, so there must be a curfew. Councilman McGuigan said he agreed with everything Councilwoman Isaac said except please don't use the field behind the firehouse as this is going to be a construction site. He suggested the field behind Borough Hall or even possibly Montgomery Park. He also said that the timing is unacceptable, currently. Mayor Frey suggested allowing them on Memorial Day and Labor Day. Councilwoman Isaac suggested Friday nights and Saturday nights but banning them on weeknights. Solicitor Alex Baumler said generally New Years Eve and 4th of July are generally the only dates allowed. Councilman Willis suggested Juneteenth to which Council President Papaleo agreed.

Councilwoman Daly asked how easy it is to enforce these rules, noting that by the time that the Police arrive the people have frequently left, asking Chief Bair his opinion. Solicitor Alex Baumler said that the State Police have the right to enforce under the fireworks act as well as the local Police and most ordinances allow members of the fire department to enforce as well. Chief Bair said he agreed with Alex Baumler and said that with regard to enforcement if an officer does not see an explosion an officer can go off of a statement but that probably nobody will want to go to court over this. With regard to mortars and other fireworks, they usually have multiple and officers can usually arrive on time. He said that if residents are annoyed and know there might be consequences, residents might report fireworks but that if they don't it'll rely on officers seeing the actual fireworks and catching them in the act. He would also need a witness statement on what is transpiring. Chief Bair said he would be fine with allowing fireworks usage on certain holidays and at specific times. Alex Baumler said that there's a difference between a consumer setting off two or three fireworks and someone who intends to put on their own private show. In a latter scenario, this person would need to pay a permit fee. Council President Papaleo said that it is quite possible that we won't catch everyone but this ordinance gives our officers teeth if they catch anyone and that a hefty fine might be a deterrent. He said we should not be afraid to prohibit them just because we can't fully enforce them. Councilwoman Daly said that if someone gets a fine they will be on "Concerned Citizens" immediately and it might stop usage, which Councilmembers agreed would not give the person any support. Council President Papaleo asked if this would be a strain on the Department – Chief Bair said it was not and that it was a public nuisance and we have to stop it. Council President Papaleo asked that this be drafted and posted in the newspaper. Solicitor Alex Baumler said that we could pass this in August.

Public Works Committee - Mr. Willis

- Councilman Willis discussed placing an outdoor classroom at the Horn Farm property across from the library. Councilman Willis said he would like to utilize this space and retain it as a green space.

He said he would like to get in touch with the school. A noise interruption briefly paused the meeting. Councilman Willis said it would be accessible to residents and youth population. He said that as a teacher who teaches biology he would love to have a place where he could go and teach students. Council President Papaleo said he loved the idea but that anything that we build there will have to be named after Giles Cannon as part of the deal. Councilwoman Daly said she absolutely loves the idea.

- Councilman Willis discussed recording meetings permanently, related to how they work now as they are also online. He said he was not sure if this had already been taken into account. He would like to record, broadcast or livestream meetings and that this would make things better and more open. He said especially when we go to the new building or if we go back to in person meetings. Council President Papaleo said he thought it was a very good idea and that everything in the light of day is always a good idea and he would be happy to move forward. He deferred to Councilman McGuigan to see if this was considered for the new building. Councilman McGuigan said that it was not but that part of the idea was to have better wifi and that this is something you would need to do that. He said that IT professional Steven Giancristoforo is on the meeting and that he has consulted with Deputy Chief Eiserman about this in the past. He said he has seen some successful installations of cameras and digital records and that the system just has to be turned on and off when it was over and the cabling and wiring would have to be put in when the work was over. He said you would run Ethernet cables to cameras so you aren't using wifi at all – it would all be hardwired. Councilman Willis said he wasn't sure of the process but we can get the information we need to get this done. Councilman McGuigan said to have the electrician run the Ethernet cables when the other cables are being run. Alex Baumler said all that would need to happen is to authorize Steve Giancristoforo to do the work. Steve said he would be more than happy to do what needs to be done.

- Councilman Willis discussed the contract with APPI/power changeover. He said he believed everyone should have received the email but that there is a sizeable sum of money that we can save by switching from American Power and Gas which allows us to leave the contract at any time but costs much more and all we have to do is cancel the contract via email. APPI has provided a suggestion to use a company called Constellation for 60 months, which would be a fixed budget item, and that we would know the kilowatt price per hour cost, saving the Borough at least \$47,000 per year. Councilman Willis said he did not know what he would need to end the contract – solicitor Alex Baumler said you would just need a motion to end our contract with APPI. Solicitor Alex Baumler said he had not seen any exit parameters but that you would only need to let PECO know that we are ending our service with that provider.

Public Safety Committee - Mr. Ruskowski

- Councilman Ruskowski discussed acquiring body cameras for the Police. He said he knows that Steve Giancristoforo is on the meeting. He said it is not as easy as just wearing a camera and that you need a server and a place to save the film. Steve Giancristoforo said he has attended two presentations on cameras (Axon and Watch Guard) which are the standard suppliers of body cameras. He said Axon has cloud based storage and Watch Guard stores the footage with the department. He said the majority of the cameras in Delaware County are through watch guard. He said that the department has storage

drives for 60-90 days of footage or however much they intend to save plus a storage side for footage that must be preserved for investigations. When an officer comes on duty and checks out a camera that camera is assigned to him for a shift. Newer generation cameras last a full 12 hours and when he returns he detaches it from his vest and charges it. At this point, the video footage is uploaded. He said Aldan and other local towns are currently working on this. He said they are comparably priced but Axon's cloud-based storage can be expensive. He said most departments look at in house storage. Councilman Ruskowski asked Chief Bair's opinion about it. Chief Bair said that he looked at Axon and Watch Guard and was in the same meeting with Steve Giancristoforo. He said he's talked to other departments, notably Radnor, and only Morton and Nether Providence have Axon. He said more times than not it protects the officer as it shows they were not guilty of accusations but that it was good for getting bad officers out as well. Council President Papaleo asked if we would move forward on getting more information about this. Chief Bair said he already had prices but that he must add another vehicle. He said we can cut it down by sharing cameras or limiting distribution to part timers. He envisioned a nightmare scenario in which not enough cameras were present during an incident or altercation. Councilman McGuigan asked the total cost, to which Chief Bair explained it would be for 6 officers plus 19 officers but does not have the exact price, though he estimated it would be approximately \$70,000 and \$35,000 just for body cameras, not counting vehicles. He said he was told PCCD gives out half-grants and would cover half of it.

Solicitor Alex Baumler said that once we purchase cameras we will also have to pass body-camera policies as required by the State Legislature to receive funding for any state program related to Police Departments. Chief Bair said he had a couple ideas already but he wanted to confer with the FOP to protect his officers as well. Solicitor Baumler said there is a difference between the footage and policy which are handled differently. He said his boss is the Sherriff of Montgomery County and works closely with the State Police and has implemented many of these policies.

Public Health and Literacy - *Ms. Isaac*

- Councilwoman Isaac thanked Council for offering the use of tables and chairs so that residents don't have to use their cars to access the wifi and that Library Director Jen will be very appreciative. She mentioned that the Library's carpets have not been changed in years and that they've been cleaned but she'd like a vote at the next meeting or at least discuss replacing them. She asked what would need to be done to get them replaced. Council President Papaleo said it sounds like something we'd have to approve an expenditure for, though he has not been in the Library in quite some time. Councilwoman Daly asked if the Library has a budget separate from recreation. Joe Possenti said that they do have a separate budget but that the library has no funding coming in so we use the general fund for this work – for repairs, pest control and more plus money they receive from the State. Councilwoman Isaac said the rugs could be replaced as they look very old and that she has asked the library director to seek quotes for replacing. Engineer Lisa Catania said a few years ago her firm did a lighting project through a Keystone grant, something that might be worth taking a look at as the money was easily obtained as it could help out. Council President Papaleo directed Manager Andrew Hayman to make note of this and proceed with pricing and that it should be on the agenda for approval. Councilwoman Isaac asked if someone was coming over tomorrow. Andrew Hayman said the highway department would drop off

items tomorrow. Council President Papaleo asked how long this takes – Lisa Catania said she did not personally write it, the librarian did. She said she believed it was May but wasn't sure. Alex Baumler said he just did one for Upper Moreland and this year the deadline was April 30th but that the cycle is pretty much every 9 months.

Municipal Planning and Zoning – *Mr. Waters*

- Councilman Waters posed a question to Alex Baumler seeing if there was an economic revitalization committee in effect. Alex Baumler said there is a committee already on the books via ordinance. There is already a statute on record about how many members can be on the committee and how often it must meet. Council President Papaleo asked what the function of this committee might be. Alex Baumler said it was passed in either 2010 or 2012 and was only specific for one section of Folcroft that they wanted to revitalize but that it could be expanded to do the remainder of the Borough. He said to staff with local leaders and business people to seek out grants and the expansion of investments in the Borough and they would bring items to Council for their consideration. Councilman Waters said this might work very well with Councilman Willis's idea about the Cannon property. Councilman Willis asked if this must be passed exactly or we would need to be done. Alex Baumler said we would simply need an ordinance changing the scope of the group.

Public Parks and Recreation – *Ms. Daly*

- Councilwoman Daly said the arts and crafts program has been a huge hit, with 50 bags made the first bag and 30 additional were made. She said 96 more bags were made and almost none are left. She said she has received lots of positive feedback from families having a great time. She said the 4th of July was a good hit and a few misses. She said the best decorated house was a huge hit and that this is something that will be done in the future, regardless of a lockdown. She said that she needs guidance as to where Council would like her committee to focus energy. She said that businesses usually in a position to donate would not be in that position now. She also said the normal location will be under construction as noted previously. She has asked her committee to examine alternate ideas with food trucks or a map with Folcroft Day specials. An event at Borough Hall, Montgomery Park or another location would be acceptable but she does not think this will look like past days, though she wants it to be about Folcroft. Councilman McGuigan suggested taking a parking lot and turning it into a drive-in community day. He said this could keep people safe. Councilwoman Daly said we had spoken about doing a drive in movie and using the field behind Borough Hall as the field so we are definitely on the same wavelength. Manager Andrew Hayman said he just received a message from Julia Ford for either August 1st or 2nd for this event. Councilwoman Daly said we could do this again as a Borough if we wanted to in September as a grand finale for our Community Day it would be totally feasible. Moonbounces and facepainting will not be feasible with the current restrictions that we have. Councilwoman Daly was thankful to Jenna Willis for her craft ideas and being very helpful.

Municipal Legislation – *Mr. McGuigan*

- Councilman McGuigan discussed passing ordinances intended to be considered at the March Council Meeting – decriminalizing Marijuana and ticketing vehicles with expired registrations and

inspections. Council President Papaleo said the registration idea had already been approved but the Daily Times had not actually advertised the ordinance (despite saying they would do so) the vote that we took on that measure is null. Then, covid hit delaying the revote and the Marijuana vote and some details had to be worked out with the Police Department. He believed that we were going to do a \$100 fine with half going to the Police and half going to the Borough, more similar to a code violation fine and keeping people out of court. Councilman McGuigan said he believed we were all on the same page on this work and he has no problems with it. Solicitor Alex Baumler concurred, saying it just needed to be readvertised and that it all happened right before COVID.

- Councilman McGuigan discussed the repeal of our disorderly houses ordinance. Solicitor Alex Baumler said that a former DA from Delaware County works for his firm, looked into these issues and found that the ordinance we have on the books has been ruled expressly unconstitutional by the US Supreme Court. He said that Norristown had an almost identical ordinance on the books which was challenged on constitutional grounds five years ago and the court ruled that this was unconstitutional and Norristown was required to pay \$500,000 plus in legal fees and was required to repeal the ordinance immediately. He said he received permission from Andrew Hayman to drop the case and strongly recommended repealing the ordinance. Chief Bair asked how to handle a trouble house. Solicitor Alex Baumler said you can continue to arrest and cite as needed but you cannot take property rights away from an owner from a continuing nuisance. Council President Papaleo asked if there was nothing we can do for nuisance residents at all. Councilman McGuigan said he heard that we were about a year away from doing yearly use and occupancy inspections. Alex Baumler said this is proposed legislation from the Real Estate Agency lobby because of the current issues but nothing is yet set in stone. He said we cannot pull the use and occupancy permit or foreclose on the property due to a lien, we can only continue to enforce the repeating action.

- Councilman McGuigan said that he thought of hiring a Borough social worker and had put it on Facebook to put resources to things other than law enforcement because we get a lot of calls that are not necessarily law enforcement related and that they could be better dealt with by workers trained in doing this specific work and that Social Workers might be better at dealing with mental health issues. He said that he thinks as he listens to different ideas that Council has should be kicked to the finance and administration committee to see what they think and look at the budget. He said we only have about \$1.5 million. He said a low-end public works director, for example, makes \$75,000 a year plus benefits. He said we have another large, one time expense for body cameras. At some point, he said we have to discuss that we do not have an endless stream of money and that while it may be a good idea it may not be feasible. Council President Papaleo said that these are fair assessments and you don't want to get caught up with too many debts. He said that some matters that also need to be discussed pertain to public works. He said the driveway situation creates a revenue stream to take care of that and that the plan takes care of itself.

Councilwoman Isaac said she read when Jason wrote that and that she thinks it is a good idea. She said there is a mobile crisis team in the County that goes out and helps people but that it can take a long time. She said an idea like this could help diffuse situations and that she has spent almost 19 years in the mental health field. She believe the mental health professional must still have a police backup

because they don't know what they're walking into. Councilman McGuigan said a lot of times people end up getting criminal records when they don't necessarily deserve them. Councilwoman Isaac said she could try and talk to some people in her own work to see if they would feel comfortable with this idea. Councilman McGuigan said that \$30,000 to \$40,000 per year for a mental health professional is not sufficient. Councilwoman Daly said the idea should not be completely taken off the table and that Chief Bair should look into what they think. She said she called Officer Dan White because of someone seeking mental health assistance and nothing could be done until the person committed a crime. She said there are not a lot of mechanisms out there to help. She would like to know how many times per year the police are called where they feel like a social worker would be a better choice. Chief Bair said that we don't wait for a social worker, we just handle calls. He said the way the laws are written there isn't much that can be done until someone breaks the law. He said his officers do call the mobile crisis team but right now the mobile crisis team is not working. He said the right now they don't take anyone to the crisis center and by the time he does his paperwork the person is already out. He said in one situation a person was released from the crisis center and then returned the next day as was a family member. He said he does not support a social worker answering calls at all.

Council President Papaleo said he would feel better if a cop was available to assess a situation and that a social worker should not be present in case a situation gets ugly or volatile. He asked how often a person should be referred to a social worker right away. Chief Bair said he was not sure if this was justifiable and reiterated that the county has a crisis team. He said we have lots of issues with people who are in trouble and don't feel right. He said he doesn't know if the money goes to saying the person needs a social worker. He believed this was risking far too much. Councilwoman Daly said that maybe this is something that could change within the county that could be pushed up the line. Chief Bair suggested that maybe the County could regionalize a crisis center that would cover several municipalities instead. Chief Bair said an officer should respond first and then determine whether or not a social worker should do this. He said that in the initial contact this could be dangerous. He said that sometimes an officer is sent along with our code enforcer if the person feels uneasy. Councilman McGuigan said we could call Sharon Hill, Norwood or others and see if they're interested, though he said we would need to find out if this was financially doable. Councilwoman Isaac said the county would definitely need to be on board because sometimes they deny 302s or the crisis center will not keep someone. She said this is not only a Folcroft issue, this is a general county-wide issue with regard to response times. Chief Bair said that sometimes the crisis center says that this isn't a mental health issue, this is a drug related issue even if the Police do not find drugs. He suggested Councilwoman Isaac work on this and find somewhere to start. Council President Papaleo suggested reaching out to County Council to see about obtaining support for crisis intervention. Councilwoman Isaac asked Andrew Hayman to text her information about who to talk to on County Council so she can send an email and coordinate a time to talk. Councilman McGuigan said they have open office hours posted on the County website. It was agreed that a point of contact should be forwarded to Councilwoman Isaac.

New Construction Committee – Mr. McGuigan

- Councilman McGuigan said we have finished the terms of the loan with Republic Bank in Media. He said he just forwarded the information but did not notice any glaring concerns. He says he is now

waiting for approval from the county for the site and that we should then be ready to go. Council President Papaleo asked if there some snags and if they had been worked out. Councilman McGuigan said that he understood the 30 day review process was lowered to 10 day reviews. Engineer Catania said we are on day 22 of a 25 day cycle so they should provide comments for the project by next week. She said there would be an emergency review process if comments are needed and that a \$1,202 fee must be provided for quick turnaround. This is for a County permit and not a DEP permit. She said she had just received an email from the county for a 10 day emergency review for the project. Council President Papaleo had Engineer Catania explain the comment process for these approvals.

Solicitor's Report

Alex Baumler said that there was no report independent of everything discussed today.

Finance Director's Report

Joe Possenti said the report will be ready for next week's meeting.

Borough Manager's Report

Borough Manager Andrew Hayman said that we have been connected with the Urban League of Philadelphia to have meals delivered every Monday and Friday. He said we've already done several robocalls and will do more. Seven people have reserved meals and that we can lower the number of meals that we receive if there is a decrease in demand. He said he has reached out to several local organizations. We are setting up an email blast that can go out for monthly emails for upcoming events, previous events and other issues related to the Borough.

There was no new business.

Mayor Frey had new business for the highway department. He said that last winter as mild but that we need a back loader to purchase for next winter. Council President Papaleo asked Andrew Hayman draw up the purchase of a backloader from resident Tony Innamorato to purchase the backloader.

The meeting was adjourned at 9:07pm.