

MEETING MINUTES
FOLCROFT BOROUGH COUNCIL MEETING
MARCH 16, 2021

PRESIDENT – Joseph Papaleo: Call the Council Meeting to order at 7:04 PM

Council President Papaleo mentioned that Council held an executive session directly prior to this meeting to discuss potential litigation.

Mayor: Flag Salute and Invocation.

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

Council President Papaleo asked if any members rejected discussing Police business before beginning the meeting.

Public Safety Committee - Mr. Ruskowski

- A motion to approve the Police Chief's Report for the month of February, 2021 was made by Councilman Ruskowski and seconded by Councilwoman Daly. The motion passed unanimously.
- A motion to approve the Fire Chief's Report for the month of February, 2021 was made by Councilman Ruskowski and seconded by Councilman Willis. The motion passed unanimously.
- A motion to approve the Fire Marshall's Report for the month of February, 2021 was made by Councilman Ruskowski and seconded by Councilwoman Daly. The motion passed unanimously.
- A motion to hire Thomas Becker as a part-time police officer was made by Councilman Ruskowski and seconded by Councilwoman Daly. The motion passed unanimously.
- A motion to promote Officer Eugene Mackey to the rank of Corporal was made by Councilman Ruskowski and seconded by Councilwoman Daly. The motion passed unanimously.
- A motion to promote Officer Peter Acquarola to the rank of Corporal was made by Councilman Ruskowski and seconded by Councilwoman Daly. The motion passed unanimously.

Mayor Frey said he was able to swear the newly promoted Officers in now as he is in the Police Station. Mayor Frey then swore the new Officers in.

Public Comment:

Manager Hayman read the following comment into the record verbatim:

“Dear Mr. Hayman and council members,

Thank you for your interest in the condition of our street. As my wife and I discussed with Mr. Hayman we brought the matter of the street sinking in front of our house to the borough’s attention back in 1994. We were told it may be due to either our water main or waste line leaking. We then hired two plumbers, one to replace the water main and then another the following year to replace the waste line (with PVC). This was all accomplished back in 1995-96.

Both plumbers assured us, and allowed us to inspect their work to verify the fact that neither of our plumbing lines was leaking. The problem with the street sinking was out beyond where the water connections were made.

We contacted the borough to relay this information and were told it would be looked into. Since that time we made a number of calls to the borough over the years about the problem. The response from the borough had been to place asphalt over the area and tamp it flat and later when a hole appeared stone would be put into the void then covered with asphalt.

This has been an ongoing problem. We have been in contact with the borough about it over the last 23 years. We had our plumbing lines replaced to see if that was the cause, but the problem has continued until the present. In May of 2016 a larger hole appeared in the street Dianna attended a council meeting in order to try to have the problem addressed as it had finally become a safety hazard. The steel plate was the answer to the safety issue.

We were contacted by the former Code Enforcement Officer in 2017 telling us to remove the steel plate in the street with no further communication from the borough until late 2018 when we were informed about the borough’s video inspection of the sewer line which had been completed that year. We met with Lisa McGuigan and Mark Possenti in early 2019 and it was agreed that we would hire Horizon Services to video our sewer line from the clean out to the street to see what kind of issue there might be. According to the Horizon study the waste water runs through the pipe very smoothly but they did find a joint that was offset with a small leak. We talked through the project with the Horizon representative and all that it would entail. Because the borough had informed us that we were to bear sole responsibility and the project had to be completed ASAP we signed a contract with Horizon to start in February of 2019. They completed repairs to both pipe and street and the total bill was be \$12,549. In order to finance the project we were forced to draw just over \$16,000 from our retirement savings to pay for the project and the tax penalty for early withdrawal of these funds.

Unfortunately because we had been given no direction from the borough from 1996 until 2019 we feel the problem had grown in size and scope. Certainly the street involvement has since grown. We feel the cost of the project was a reflection of how long the issue had been left unaddressed by the borough and that we should not have had to bear the entirety of the financial burden.

And now not just the surface of the asphalt is failing but it appears that in a number of places in the tree line along our street there are signs of sinking. This seems to indicate a much bigger issue that just the

small leak at our sewer connection that the Horizon video scan revealed. We are encouraged that the borough is now considering taking action this year in order to address these different issues. Thank you”

Council President Papaleo said that he wanted to be clear on the record that this would just be adding Bayard Ave to the repaving list. Borough Manager Hayman confirmed this. Council President Papaleo said he hoped Council would vote in the affirmative to add Bayard to the 2021 Roads Program but said that the Borough cannot get involved in matters that related to the sewer line as this is a homeowner’s matter.

Resident Dianna McCollum asked if the Borough could assist with the \$16,000 debt that the resident has experienced for years. Ms. McCollum said that she believed if the Borough had taken action in the 1990’s the residents would not be stuck with this cost. Ms. McCollum reiterated that she was asking for the Borough to reimburse for some portion of this burden. Ms. McCollum expressed that she was under the belief that this was something due to the creek bed. Council President Papaleo said he was not prepared to make a decision on this matter tonight but that he would discuss it with the Borough Engineer and any other experts. Councilman McGuigan said that over the four years that this property was repaired he believed that Engineer Lisa Catania had met the owners several times. Ms. McCollum said this was not correct. Engineer Lisa Catania said that she had addressed this matter with Ms. McCollum in a meeting and that the resident had claimed to have had their lateral replaced. Engineer Lisa Catania said that the matter was discovered through a sewer line video review from Delcora and said that this was caused because all of the homes were built at the same time. Engineer Lisa Catania said that the plate was on the street in front of her home for four years and that the street was supposed to be repaved several times and was not. Engineer Lisa Catania said that she understood that this was an extremely expensive fix.

Mr. Bruce McCollum said that the first time he ever heard from Lisa Catania was in 2018 after the matter was first discussed which was after Ms. McCollum first came to a Council Meeting. Ms. McCollum said that the Borough repeatedly filled the hole in with gravel and said that the increased cost was due to the size of the hole. Mr. McCollum said that he was under the impression after meeting with Mark Possenti and Lisa McGuigan that this needed to be done as soon as possible and that he did not receive a lot of guidance.

Engineer’s Report

Engineer Lisa Catania said that the Borough had received 6 bids, ranging from \$548,000 to over \$700,000 and that she recommended the lower bid with a change order including Watson, Sharon Park, Bayard and the lower end of Ashland avenue which would increase the amount by \$42,000. She reminded members that the Borough is receiving a fee in lieu from PECO of \$403,000 and that this would radically decrease the expected cost. She said that the Borough had received an offer from A to U services to replace a damaged inlet for \$2,900 and recommended members accept it. She also noted that there is a consideration for approval of the phase two plan for Popeyes. She also said that approval from DEP for the change of scope for a new flow meter for the pump station has been approved. She said that she spoke with the solicitor and because the Borough has gone through three bid cycles the

Borough can simply request a quote and that this could be done from DELCORA or KBX, a company that is mainly associated with pump station and sanitary sewer work.

Council President Papaleo asked if the Borough needed to propose anything for A to U services and asked if this should be done before repaving. Engineer Lisa Catania said the plants would reopen in the next two to three weeks and that if Council or the solicitor feel it is necessary they could just approve this proposal. Council President Papaleo asked Solicitor Alex Baumler if he could entertain a motion for this.

A motion to approve the offer from A to U services for \$2,975 for an inlet repair was made by Councilman Willis and seconded by Councilwoman Isaac. The motion passed unanimously.

Public Finance & Administration - Mr. Papaleo

- A motion to approve the bill list for the month of February, 2021 was made by Councilman Willis and seconded by Councilwoman Isaac. The motion passed unanimously.
- A motion approve the Treasurer's report for the month of February, 2021 was made by Councilwoman Daly and seconded by Councilman Willis. The motion passed unanimously.
- A motion to approve the February 2nd, 2021 Workshop Meeting Minutes and February 16th, 2021 Council Meeting Minutes was made by Councilman Willis and seconded by Councilwoman Daly. The motion passed unanimously.
- A motion adding Bayard Road, Watson Road and the lower end of Ashland Avenue and Sharon Park Drive to the 2021 Roads Program was made by Councilwoman Daly and seconded by Councilwoman Isaac. The motion passed unanimously.
- Discuss a change of scope order to the pump house project. Council President Papaleo said he did believe that the Borough engineer had discussed this. Engineer Lisa Catania reiterated that she wanted to make sure that her firm could go ahead and request a quote for this service from d CBX as an alternative.

A motion from to change the scope for the engineer's report and to allow Lisa Catania to ask for quotes for work from Delcora was made by Councilman Willis and seconded by Councilwoman Isaac. The motion passed unanimously.

A motion to approve the bid from AF Damon for the 2021 road resurfacing program with the change orders intact for \$591,494.82 was made by Councilwoman Daly and seconded by Councilwoman Isaac. The motion passed unanimously.

Public Works Committee - Mr. Willis

- Councilman Willis said that the Highway Foreman wanted to remind residents to call Borough Hall to report any pot holes on Borough streets as they are coming up and to report any street lights that are out. Councilman Willis said that street sweeping is supposed to start in late April but there will

be a delay in the Delmar Village due to repaving. Councilman Willis said that robocalls would go out to let residents know about this. Councilwoman Daly discussed gravel left on the roads due to the road work. Manager Hayman said that this was largely being cleaned up by PECO but that it keeps accumulating. Councilwoman Daly said that there is a lot of debris on the sides of the streets.

A motion to grant final approval to the subdivision at the property located at Delmar Drive and School Lane was made by Councilman Willis. The motion was seconded by Councilwoman Daly.

Lee Brahin, the property developer for this project said that he is looking forward to going through with the second phase of the project and said they are developing a Popeyes. Mr. Brahin said that Popeyes was interested in opening a franchise in Folcroft and he is looking forward to opening. Mr. Brahin said that the site plan has a few small changes from the initial plan. The building footprint is slightly larger. Solicitor Alex Baumler said that members can review the resolutions before them. Engineer Lisa Catania said that the Borough does have an existing basin that will be taken care of as part of this project. Councilwoman Daly said that the property next-door, Tunies Florist, is a residence and wanted to know if there was a barrier or solution so the owner doesn't have to hear orders all night long. Mr. Brahin said that the store would be open until midnight despite slightly reduced hours due to the pandemic. Council President Papaleo asked if anything could be done about that. Councilman McGuigan said that members could vote no. The engineer for Bohler Engineering said that this would be on the other side of the building. Mr. Brahin said that the initial, approved plan this was still a drive through. Engineer Lisa Catania asked if the landscaping could be reviewed to have some plants moved around to combat sound. Ms. Catania said that for those who weren't part of the phase one discussion they did not want the property to look like a vacant lot. Engineer Lisa Catania said that some of the plants could be moved between the drive through and Tunies Florist to address this matter. Mr. Brahin said he would be willing to do this. Councilman McGuigan said that he was willing to make a motion to table this.

Councilman McGuigan made a motion to table the project. There was no second.

Councilman Ruskowski asked if the motion involved looking into the noise matter prior to voting. Solicitor Alex Baumler said that this would be adding a condition to have the Borough Engineer and developer create a buffer or sound barrier to resolve this matter prior to approval.

A motion approving the phase two with adjustments to landscaping to contain the noise was made by Councilman Willis and seconded by Councilwoman Daly. Councilmembers Papaleo, Willis, Daly, Ruskowski and Isaac voted yes. Councilman McGuigan voted no.

Mr. Brahin said that the corrections done took a long time and that this new project was only recently completed. The project engineer said that the work could not be done in the fall as approval from DEP was needed and that it should be done in the spring due to plant grown and to stabilize the basin.

PARKS AND RECREATION: - Ms. Daly

Councilwoman Daly said that sponsors are being accepted for the earth day project on April 24th and a banner would be going up. Council President Papaleo said that he is a captain for the creek cleanup from

the DCVA. Councilwoman Daly said that some residents had already picked up their bags and bonnets for Easter.

Municipal Legislation – *Mr. Waters was absent*

- Solicitor Alex Baumler said that Manager Hayman said that the last verifiable schedule of fees was found from 2012 and that this was a baseline to work off of. Solicitor Alex Baumler said that many fees track but that fees need to be adjusted Department by Department and that these may not be found in ordinances. Solicitor Alex Baumler said that this would be completed by April, hopefully. Council President Papaleo asked if vehicles could be towed after five parking tickets for the same matter. Solicitor Alex Baumler said that the ordinance as updated last February. Council President Papaleo said that he believed this was specific to vehicles with expired registrations and inspections. Solicitor Alex Baumler clarified that this would cover all matters. Chief Bair said that he had a question as this had come up as some residents could possibly get their vehicles and then return it right back to the street. Council President Papaleo said he believed this should reset.

New Construction Committee – Mr. Willis

Councilman Willis said that he was waiting for the contract. Solicitor Alex Baumler said the contract had a few items that needed changes included a change order for the new materials. Councilman Willis said that once this is completed the Borough can get a schedule and begin construction.

Public Health and Literacy - *Ms. Isaac*

- Councilwoman Isaac said that Delaware County is still having issues with vaccinations and said that there was a big event in Upper Darby over the weekend. Council President Papaleo said that the - Upper Darby operation was a well-oiled machine and less partnering with corporate pharmacies.

Parking Permit and Paving Committee – *Mr. Willis*

- Councilman Willis said that there are two public meetings for the week, one for tomorrow and one for Thursday. Login information is available. Councilman Willis said that appraisals will be ready in two to three weeks and that once this is done ordinances can move forward. Council President Papaleo asked if this can get in motion by the Summer. Solicitor Alex Baumler said that this timeline was doable and thought the target date was July.

Police Chief's Report

Chief Bair said thanked members for promotion of the new Corporals. He said that numbers and call volume are down for the month but with the weather changing he expected more calls. He said that he received a letter from the Glenolden Fire Company recognizing Deputy Chief Eiserman for his heroism at a business fire in Glenolden in February. The Glenolden Fire Company thanked Deputy Chief Chris Eiserman. Chief Bair said that he completed the requested speed study from Elmwood Avenue and found that almost 30 percent of vehicles were speeding and could be fined. He said that in the spring there would be more enforcement.

Chief Bair also said that an email from Deputy Chief Eiserman suggesting that the Borough keep its contract with AT&T and that TMobile cannot guarantee the same services. Council President Papaleo said he agreed with this assessment and that he intended to keep these services. Lastly, Chief Bair said that the anti crime unit is out and there are two big cases.

Solicitor's Report

Solicitor Alex Baumler said that this would not be on the agenda as it was received at 6:30pm. He said that if members weren't aware – towards the end of November – that his firm had been entered to appear on behalf of the Borough for challenges to assessments. He said that an employee from the firm had gone to these hearings and that appeals go to the Court of Common Pleas. Solicitor Alex Baumler said that seven more appeals of assessments had been received. He said he needed authorization for his office to enter an appearance for these cases.

A motion authorizing the solicitor's office to appear for the Borough in the seven additional tax assessment appeals cases was made by Councilwoman Isaac and seconded by Councilman Willis. The motion passed unanimously.

Finance Director's Report

Donna Stillwell said that the Borough had some catching up to do and thanked e-Collect for their assistance. She said that the Borough is also behind on audits and that she cannot get access to some account balances. She said that the liquid fuels report is late. Donna Stilwell said that the liquid fuels report was due in February or the end of January. Ms. Stilwell said that a direct email had been created for her and her team and directed Councilmembers to contact her. Council President Papaleo asked how late the liquid fuels report is. Ms. Stilwell said that she was not certain but that it was probably due at the end of January. Council President Papaleo said he believed that liquid fuels funds were dispersed to M&T bank and would like these funds to be directed to other Borough accounts. Ms. Stilwell said she would have to take a look and see what was going in. Manager Hayman said he would like to discuss this in the Borough Manager's report.

Borough Manager's Report

Manager Hayman said he got his login information for the Liquid Fuels report and that the report should be completed by the end of the week. Manager Hayman said that M&T bank was hard to work with and that information was frequently not provided to the Borough in a timely fashion. Manager Hayman suggested discussing closing these accounts and moving all work over to Republic Bank or another Bank in the event that Council wanted to. He noted that \$660,000 was expected to the Borough for COVID relief but overall the way the bank has operated has been poor. Manager Hayman said that a total of 98 COVID violations have been issued so far this month and encouraged residents to contact the Borough.

Manager Hayman said that the Highway Department is focused on repairing potholes in "old Folcroft" as the Delmar Village should be fully repaved. Manager Hayman said that Council should consider allocating funds to purchase cold patch. Manager Hayman said that the street sweeper is in the shop

and should be returned in time for street sweeping. Manager Hayman also said that the March food giveaways may come to an end on March 18th. Manager Hayman gave updates about local increases and statistics on COVID 19 in Folcroft Borough. Manager Hayman said that some resumes had been received from residents and that he intended to provide them to Council to fill vacancies. Council President said that he had received feedback from residents that the resume posting was non-specific to which Manager Hayman agreed.

There was no old business.

Council President Papaleo said that he would like to enter one comment under new business, noting that Councilmembers should not speak unprofessionally to any participant to a Borough Meeting. Council President Papaleo said that he did not want to name any names but that he felt there was unprofessional behavior exhibited by a member of Council.

A motion to adjourn was made by Councilwoman Daly at 8:25pm and seconded by Councilman Ruskowski. The motion passed unanimously.