

MEETING MINUTES

FOLCROFT BOROUGH COUNCIL WORKSHOP MEETING

November 20th, 2023

Location – 1555 Elmwood Avenue, Folcroft PA 19032

President Papaleo called the meeting to order at 7:00pm

Mayor DiCicco led the flag salute and invocation

Roll Call: (Council President Papaleo was present, Councilmember Leigh Daly was absent, Councilmember Tawana Grayson was present via conference call, Councilmember Malinda Isaac was present, Councilmember Lorna Fyffe was present, Councilmember Stephen Ropski was present, Councilmember Frank Redding was present, Mayor Franny DiCicco was present, Solicitor Colleen Marsini was present, Secretary/Manager Andrew Hayman was present)

Audience Participation

There was no public comment.

Engineer's Report

Mr. Cross said there is a payment certificate for Paollela construction for approval and said PECO connections to the building are being done now. Mr. Cross said the last things needed to close in the building are the overhead and front doors and constant status meetings are happening. Mr. Cross said there is no update for the MS4 and the annual report was submitted September 29th. Mr. Cross said that he applied for Delco Greenways Round 4 grants and they are currently in the grant review period. Mr. Cross said the 2024 Peco Green Region grant is on the agenda for submission at the end of the month – noting that this grant is to purchase trees for the new site. Mr. Papaleo asked if he can pick the trees. Mr. Cross said that he believed this was possible.

Mr. Cross said the authorization to get started on the Montgomery Park project had been approved and was moving forward and the construction for the liquid fuels program has been completed excluding the punch list and reiterated what work was completed.

Mr. Cross said the DCIU Folcroft technical school plans have been resubmitted and the reviews will be completed by the end of the week with a subsequent meeting with PennDOT to review the project now that it has changed. Mr. Papaleo asked if this project increased or decreased impervious surfaces. Mr. Cross said that he did not believe it was more. Mr. Hayman said he also believed it was the same and may avoid land development.

Public Finance & Administration - Mr. Papaleo

- Presentation from Portnoff Law Associates

Mr. Kevin Buraks an attorney with Portnoff Law associates presented on delinquent trash and sewer collection and provided a background on his company, noting that the practice revolves around the collection of delinquent trash and sewer fees with over 200 clients including 18 in Delaware County, a staff of over 85 people and 30 years of experience. Mr. Buraks said that when delinquent accounts are collected the Borough will receive 100 percent of the account and the fees are paid by the property owner. Mr. Buraks said that his company operates on the municipal tax and claims act and allows the Borough to collect what is owed, increasing incentive to pay. Mr. Buraks said that the key to benefitting is to create incentives.

Mr. Buraks said there is generally a reduction in delinquent accounts over time and that residents who do not pay will choose to do so if they are able to avoid fees. Mr. Buraks said that his company can offer payment plans and hardship programs for those who cannot pay. Mr. Buraks said that his company can list a property for Sherrif's sale but that they rarely do it, noting that this is extremely rare with just 50 out of over 70,000 accounts being sold. Mr. Buraks said that funds are received within a week and that the only fee positioned to the property owner is a \$25 fee for property notices and then reviewed the timelines and expectations for his company. Mr. Buraks said that his company does not bill the Borough until after funds are received, eliminating financial risks.

Councilwoman Daly arrived.

Mr. Papaleo asked about fee scheduling, noting that Councilwoman Daly had asked some of these questions but had just arrived. Mr. Papaleo explained briefly what Mr. Buraks had said. Ms. Daly said that she understood there was an additional fee when paying. Ms. Daly said that the penalty is currently on the Borough whereas with this process it would not be. Mr. Hayman said that there would be a subsequent motion on a future agenda for approval. Mr. Papaleo thanked Mr. Buraks for coming and said that he appreciated the understanding, reiterating Mr. Buraks explanation about fees and incentives.

** Ms. Daly made a motion to approve a contract with Portnoff Law Associates for delinquent trash. Mr. Ropski seconded the motion. The motion passed unanimously.

**Ms. Daly made a motion to advertise ordinance 2023-04 setting fees and costs for Portnoff Law

** Ms. Isaac made a motion to approve the bill list for the month of October, 2023. Ms. Daly seconded the motion. The motion passed unanimously.

** Ms. Fyffe made a motion to approve the Treasurer's report for the month of October, 2023. Ms. Daly seconded the motion. The motion passed unanimously.

- Presentation of a Land Development Agreement for 1498 Delmar Drive

Mr. Jim Byrne from McNichol, Byrne and Matlawski said he was representing the owner who would like to put in a convenience store at 1498 Delmar Drive and reviewed the process, noting land development

approval with initial approval in 2021 and final land development approval in 2022. Mr. Byrne noted that unfortunately one of the partners with Beacon Development passed away and the new owner is Mr. Saeed Kazmi who intends to build the exact same plan and that he has signed off on all agreements with Mr. Gallagher with all agreements and now needs final approval which he said would be a benefit to the time. Mr. Byrne reminded members that he had worked at length with Ms. Catania, the former engineer, and said that he believed this would be good for the town. Mr. Byrne noted that Mr. Kazmi would remove some of the diesel fuel from the rear of the property. Mr. Byrne said that he was here now hoping to get the building going after 4 or 5 years with construction costs rising.

Mr. Kazmi was present to answer any questions from members. Mayor DiCicco asked if the project would still be a 7/11 as it had been noted previously. Mr. Byrne said he could not guarantee this but that this was preferred although not currently in contract. Ms. DiCicco said that her concern is that this block of Folcroft avenue is nice and quiet and asked how this would stay this way with a large convenience store. Mr. Byrne said that he hoped previously this was explained and said that he believed that this was a use by right. Mr. Byrne said that Mr. Kazmi has 320 projects that he is currently working on as this would only harm his business. Ms. DiCicco asked what proof there was about this project as a first class 7/11 and noted that she and the Council President had looked into examples of the proposed plan and she was not satisfied with them. Mr. Byrne suggested that Mr. Kazmi would answer this. Mr. papaleo said there could not be a bran preference.

Mr. Kazmi said that what was approved for building previously would be built to the exact same plan as designed previously except the removal of two diesel hoses. Mr. Kazmi said that what was approved was for a 7/11 as a tenant. Mr. Kazmi said he is the landlord and would build to these specifications and that he would try his best to make sure he has a good tenant as he would not make money if he has a bad tenant. Mr. Kazmi said that at the end of the day he wants a good tenant as this is a tightly knit community and that residents will not shop there if this is a bad business, understanding that this is the entranceway to the building. Mr. Kazmi said the project is over engineered to ensure there are never any issues like flooding and backup and that he would not attempt to change those plans. Mr. Byrne said that Ms. Catania had been very particular about this. Mr. Kazmi said he spoke to neighborhood residents. Ms. DiCicco asked who he spoke to as she said she lives there and speaks to her neighbors, who she said were surprised by this. Mr. Kazmi said he had spoken to them in the neighborhood and that they may not have been from Folcroft. Mr. Kazmi said he believed this would be one of the best places that the town has. Mr. Kazmi said that he purchased the property a long time ago but he is still committed.

Ms. Daly asked if Mr. Kazmi was still intent to use the liquor license that was approved but this has not been transferred over yet as there were issued with the deceased, former owner's trust. Mr. Kazmi said he cannot transfer the license until the property is fit for seating and sales as required by law, clarifying that this was just for beer and wine. Ms. DiCicco said that anyone coming out on Folcroft avenue would have to make a right turn and that she does not want Folcroft avenue to become a speedway onto chester pike. Ms. DiCicco asked that the tenant have some guidelines and asked that there not be any tow trucks. Mr. Kazmi said that Mr. Hayman had called and that the vehicles had been removed within a few hours the last time that this happened. Ms. Daly said that the sooner the project is built the less

likely this is to happen. Ms. Fyffe asked when he intends to start. Mr. Kazmi joked tomorrow morning but said that his storage costs are \$250,000 per month so he wants to start right away. Ms. DiCicco asked what kind of gas this would be. Mr. Kazmi said that ideally this would be 7/11 brand gas. Mr. Kazmi said that 7/11 has incurred additional costs moving to another property. Ms. Daly said she understood this is going to be the same quality although he noted that it would cost more money to build to other specifications. Mr. Papaleo said that he understood that he wanted this client very badly. Mr. Kazmi said that he is spending 2 million additional dollars building the property to specifications. Mr. Papaleo said he was skeptical until meeting Mr. Kazmi and said that he now understood. Mr. Kazmi said that he has a lot of strong national tenants and owns over 320 properties.

** Ms. Isaac made a motion to approve a Land Development Agreement for 1498 Delmar Drive. Ms. Daly seconded the motion. The motion passed unanimously.

- Consider a proposal from BBD for auditing services

Ms. Hayman said that Mr. Caponi had obtained a quote for auditing services from BBD which was \$7,000 less per year than Maillie, which currently provides this service to the Borough.

**Ms. Isaac made a motion to accept a contract from BBD for auditing services. Ms. Grayson seconded the motion. The motion passed unanimously.

Mr. Papaleo would like to approve to do a study of the non-uniformed pension vestation period. Mr. Caponi suggested doing a review to change the vesting period from 10 to 5 years which Mr. Papaleo said he thought was unfairly moved to 10 years. Mr. Papaleo said that he is pro labor and does not agree with 10 years. Mr. Ropski said the county is 5 year. Mr. Papaleo said that this was just to investigate and that it would not commit to anything. Ms. Isaac said she agreed with this and she wanted to do it as well. Mr. Papaleo said he believed that this could attract and retain talent. Mr. Hayman suggested a voice vote.

**Ms. Isaac made a motion to authorize Thomas Anderson to conduct a pension study regarding vesting in the pension fund seconded by Ms. Grayson. The motion passed unanimously.

Public Works - Ms. Grayson

- Ms. Grayson had no new business.

Public Safety– Mr. Ropski

** Mr. Ropski made a motion to approve the October 2023 Police report. Ms. Daly seconded the motion. The motion passed unanimously.

** Mr. Ropski made a motion to approve the October 2023 Fire Chief's report seconded by Ms. Isaac. The motion passed unanimously.

** Mr. Ropski made a motion to approve the October 2023 Fire Marshal's report. Ms. Daly seconded the motion. The motion passed unanimously.

Public Health and Literacy - *Ms. Fyffe*

**Ms. Fyffe made a motion to ratify resolution 2023-09 applying for a Keystone Grant for the library approved at the October 17th meeting. Ms. Daly seconded the motion. The motion passed unanimously.

** Ms. Fyffe made a motion to ratify resolution 2023-10 confirming perpetual usage of the Folcroft Library for a 50 year minimum. Mr. Ropski seconded the motion. The motion passed unanimously.

Ms. Fyffe said the Library has a bake and book sale going on Monday through Wednesday as a fundraiser. Ms. Daly noted that the Library has offered to be the Ethan Joner toy drive for fostering hope Delco and suggested attendees could drop off toys.

Public Parks and Recreation – *Ms. Daly*

- Discuss the following upcoming events:

Ms. Daly said the turkey thanksgiving giveaway was this evening with 50 turkeys given away in total and thanked bluestone communications for the turkeys. Ms. Daly said the christmas tree lighting is Saturday and santa is going to arrive at 6pm with crafts, hot chocolate and more thanks to the Folcroft boys and girls club. Ms. Daly said that the new Christmas tree is going up Wednesday and the coat giveaway is November 27th from 6-8pm. Lastly, Ms. Daly said the senior luncheon is December 9th from 11:30 to 1:30pm and thanked the caterers from joining including Millers Café and the Folcroft Deli. Ms. Daly said any senior who would like to attend could do so. Mr. Papaleo asked Chief Bair to have officers come and attend the tree lighting this year if possible. Ms. Daly said that this is a nice event and that it usually goes quickly.

Municipal Ordinances and Code Enforcement – *Mr. Redding*

Mr. Papaleo congratulated councilmembers on their reelections and said that turnout was high compared to previous years with greater participation than normal. Mr. Papaleo said he is proud to serve on this council and that he is proud to continue to serve. Mr. Papaleo said that it is rare for a council to accomplish everything over a few years but it was done. Mr. Papaleo said he has asked manager Hayman to discuss what he thinks would be a good plan for the next few years. Mr. Papaleo said that there could be some properties in the industrial area that could increase in value.

Presentation from Manager Hayman of a proposal for a comprehensive plan

Manager Hayman explained what a comprehensive plan is to councilmembers, noting that he had already secured an agreement from the Delaware County Planning Commission to do the work if council chooses and advised members to start considering what they would like to get done.

Mr. Papaleo said he is very excited for this and that this committee is probably going to be his baby. Ms. Marsini said that she believed this was brilliant and that plans can be extremely helpful in land development and other matters. Mr. Papaleo said he would send an email to members shortly and that he would like to know what and where they would like to serve on council committees going forward if he becomes council president again.

Municipal Planning and Borough Beautification – Ms. Isaac

- Ms. Isaac said that she was not at the last meeting but that there were three winners from the Halloween contest with all winners being very excited. Ms. Isaac is now promoting the Christmas decoration contest and would like more judges and contestants. Ms. Isaac said that she believed Christmas would be more difficult as many more households. Ms. Isaac said that she wants to make sure that the houses participating are actually in Folcroft. Ms. Isaac said she would like to pick winners from all three sections of the Borough. Ms. Isaac said that if she could afford to have more than three winners that would be great. Ms. Daly said she supports this but that she does not think this should come out of her budget. Ms. Petty confirmed that it did. Ms. Daly said she could review these funds with Ms. Isaac. Ms. Isaac said that there may be 5 winners with three of the best houses and then others. Ms. Daly suggested requesting a line item budget of \$600 with the funds to be divided later. Ms. Isaac requested \$1000. Ms. Daly said she thought \$600 would be enough. Ms. Stilwell said that there is a preliminary budget and asked if it would need to be changed. Mr. Hayman said that he did not believe that it would be. Members suggested creating a separate line item for this committee going forward.

Ms. Daly said that this does not change the amount of money but moves it around. Mr. Caponi said there would be a small increase.

New Building – Ms. Grayson

** Ms. Grayson made a motion to approve payment certificate number 8 from LJ Paoella in the amount of \$199,889.38. Ms. Daly seconded the motion. The motion passed unanimously.

** Ms. Grayson made a motion to ratify payment certificate number 7 from LJ Paoella. Mr. Ropski seconded the motion. The motion passed unanimously.

** Ms. Grayson made a motion to approve Resolution 2023-11 applying for a PECO Green Resolution grant. Ms. Daly seconded the motion. The motion passed unanimously.

Ms. Grayson said that the engineer gave some building updates but she said that the door fronts and windows will be installed on December 18th and asked if the PECO installation had been discussed. Mr. Papaleo said that it had.

Driveways and Parking Permits – Ms. Daly

- Ms. Daly had no new business. Mr. Ropski asked if woodland avenue can be added. Ms. Daly said that she would like woodland avenue to be added. Ms. Daly explained that this would need to be added by petition with 60 to 70 percent needing to be signed on. Mr. Papaleo asked if you could do one side of the street. Mr. Ropski said that this is a particular issue. Ms. Daly said that Alex Baumler had said that it would require petitions since not everyone has a driveway. Mr. Papaleo said that he was sure the neighbors would do this.

Mr. Papaleo noted that parking enforcement would be suspended Wednesday to Sunday. Ms. Daly asked this to be added to the calendar as she gets calls and texts about this. Mr. Papaleo requested

changes to the calendar. Ms. Daly listed dates that parking permits enforcement should be suspended next year for the upcoming calendar. Ms. Daly suggested holidays in which permit parking enforcement should be suspended. Ms. Daly said she would like this to be scheduled so that everyone can be accommodated.

Police Chief's Report

Mr. Bair said that the viper system is up and running that members had spoken about and that this has helped numerous times. Mr. Bair said that anti crime is not as active as it had been but there are still arrests including a big arrest today. Mr. Bair said that there are two officers on a wire currently as part of the task force. Mr. Bair thanked Corporal White's brother who works for Lockheed Martin with 150 turkeys being distributed across Delco. Ms. DiCicco said that the police report said that burglaries are up by 20 in November and asked if this is normal. Mr. Bair said that most of the time thefts go up this time of year as thefts go up through January, especially after Christmas as people leave items in their car. Ms. Daly asked if this includes houses or stores. Mr. Bair said that is mostly from cars but house thefts are not common. Mr. Bair said that he has a warrant out for a subject thanks to the tag reader system and this was how he was apprehended. Mr. Bair said it would be great if Folcroft Avenue and Hook Road could be added to the list. Mr. Bair said no parking signs were put up today on School Lane with complaints about enforcement. Mr. Bair said this was primarily to keep this lane open during school hours and that most of the time residents have complaints about people blocking their driveways.

Solicitor's Report

Ms. Marsini asked if members have any questions.

Finance Director's Report

Ms. Stilwell had nothing to report.

Borough Manager's Report

Manager Hayman provided a written report to members.

Old Business

There was no old business.

New Business

Mr. Papaleo said it has been brought to his attention that the old truck needs repairs and the new truck is not welcome in their towns. Mr. Papaleo suggested that they were sold a bad bill of goods with \$100,000 per year for a new truck that the vehicle is not wanted or needed. Mr. Papaleo said that the supporter of this is no longer with the company. Mr. Papaleo said this would be discussed later in an executive session and said he just found out that the truck is in a lease agreement and wanted the funds rededicated to the community center. Mr. Ropski suggested fixing the old truck and reentering it to service. Mr. Papaleo blamed himself. Ms. Stilwell said that this was a lease to purchase. Mr. Papaleo said

that he wanted to look into what could be done. Ms. Isaac asked when people are not happy to have the truck. Mr. Papaleo said that the municipalities come together to cover fire calls and that purchasing this vehicle was seen as an offense to the agreement. Mr. Papaleo mentioned that the comprehensive plan would allow for structures that could be taller and wondered whether a new truck would be needed. Ms. Daly said that she did not just buy what was being told but that she did research and it was more cost effective to have a newer vehicle due to insurance issues.

Mr. Hayman suggested waiting until the conclusion of the DCED study that Council had engaged in already.

Mr. Papaleo said that with a new comprehensive plan could bring more permit revenue which could be used for a new vehicle. Mr. Ropski asked to have Mr. Hayman contact a potential vendor.

Mr. Papaleo recognized a resident who came in – Latashoa on Crotzer said that the United States Corps of Engineers came and met with Boroughs and the City and that she found out about it from the City and said that some local elected officials had just found out about it. Some people did not find out until the night before. Ms. Latashoa said that there could be a levee built on one side that might affect residents closer to the water and wanted residents to be aware. Ms. Marsini said that the County planning commission and engineer are working on this and that there are three proposed locations for this levee. Ms. Marsini said that County Council is involved and she is aware. Ms. Cross said that he is aware of it. Mr. Ropski noted the next meeting time. A resident said that homes have been built in a flood zone.

Mr. Papaleo noted that a vehicle was totaled at no fault of the driver's and that this police car was listed as total by the insurance company, expecting a \$40,000 total payout and the vehicle upfit will also be reimbursed. Mr. Papaleo said that this is a neutral purchase. Ms. Grayson asked if the Borough was reimbursed for the vehicle was damaged previously. Mr. Hayman said that it had. Ms. Grayson asked if the other new vehicle is being used. Mr. Bair said it was not and that this was replacing one. Mr. Papaleo clarified that this is replacing a damaged vehicle. Ms. Daly asked if there was any depreciation of value. Mr. Bair said that it would be the value of the vehicle and to outfit it. Mr. Ropski said that the old lights are being put on the new vehicle.

**Mr. Ropski made a motion to purchase a 2023 Dodge Durango contingent upon reimbursement for the destroyed vehicle seconded by Ms. Grayson. The motion passed unanimously.

Chief Bair asked about the executive session

Mr. Papaleo called an executive session directly after the meeting.

Ms. Grayson made a motion to adjourn at 8:32pm seconded by Ms. Isaac. The motion passed unanimously.