

AGENDA

FOLCROFT BOROUGH COUNCIL MEETING

SEPTEMBER 15 2020

PRESIDENT – Joseph Papaleo: Called the Council Meeting to order at 7:02 PM

Council President Papaleo mentioned that there was an executive session directly prior to this meeting regarding personell issues.

Mayor Frey took a moment for the people who have contracted COVID 19 and lead 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.

Audience Participation

There was no audience participation.

Application of Robert Miller (Beaconland) for a change in non-conforming use for the property located at 1498 Delmar Drive was considered:

Council President Papaleo began by asking if it was ok if it was ok to consider hiring a Folcroft employee for this location. Robert Linn said that the developer had already committed to make an effort to hire at least one Folcroft resident as an employee.

Robert Linn stated that it might be advisable to do “screen share” and show some images. Solicitor Alex Baumler explained that before the Council is an application for a change in non-conforming use. He noted that the stated address was developed in accordance with the previous zoning ordinance and currently does not fit this zoning ordinance and rather than going back through the Zoning hearing board that there is a provision in our code 6-54 which gives a developer permission to request exemption from council for a non-conforming use. The applicant must show that the project must not create traffic congestion, heat, storage or sanitary sewage disposal. This is what the presentation tonight will discuss.

Robert Linn noted that it is 600-154 on the actual ordinance. He presented images of the project and stated that he understood Council must provide positive feedback for this. He said that right now we have a “members only fueling operation” this is unattended but is run 24 hours per day. This is mostly tanker trucks moving in to buy gasoline. He said that the rest of the area is generally industrial and listed several adjacent businesses. He said the proposal is to put in a new generation 7/11 with fueling operations, which would continue to move forward as a non-conforming use but that there is an allowance for a convenience store space of less than 5,000 square feet. He said that if there is

something needed to be changed they could do so but that would not be discussed tonight. He overviewed the parameters of the site and noted that they were in compliance with the 40 foot mandatory buffer with the nearby residential communities. He said this location is a “light industrial” site. He said that a convenience store is not a use by right for this location. He described the design of the new generation building and that he only has one topic. He discussed whether or not the new use would be more appropriate than what is currently in this location and not necessarily appropriate. He liked that the site has light, activity and jobs which are not currently on the existing site. He concluded by noting that he can answer any questions but that the discussion tonight will exclusively be related to the use on this site.

Solicitor Alex Baumler asked Manager Andrew Hayman whether or not there were any public comments –he confirmed that there were none. Councilman McGuigan asked whether or not this will effect the 7/11 that is already in town and whether or not they might move the other location to this location. Robert Linn said that he did not have the information about whether or not there were any plans. Council President Papaleo said he understood this was a corporate branch whereas the other location is either privately owned or is franchised. He said that his input would be that the 7/11 at the top of the street is conducive so walkability from the village and that this location will probably be from people on the road and people who need gas. He said these were his thoughts on it. Councilman McGuigan said he would completely agree with what Council President Papaleo is saying he just wanted to confirm if we are going to have a vacant building. Solicitor Alex Baumler said that the current franchisee would like to become a party to the proceedings they can, however this is just the change in use hearing right now but any member of the public has a right to participate in those hearings were they to occur.

Council President Papaleo asked if Council would be permitted to vote on this. Solicitor Alex Baumler explained the process and said that he would motion Council to accept a change and use and then he would draft a change in use quasi ordinance.

Councilman McGuigan made a motion to (above) seconded by Councilwoman Daly. The motion passed unanimously.

Councilman McGuigan said that he wanted to relay to Robert Linn that there was another month-long delay to construction of the new building. Robert expressed his distress and said that he was not aware of why this was. Councilman McGuigan said engineer Lisa Catania can speak about this but we are waiting on paperwork from Philadelphia which must go to the County and the City. Lisa Catania concurred, noting that the act 537 paperwork needed to be changed – it had gone through Philadelphia which is “very difficult” and that we waited close to 15 weeks for the Philadelphia Water Department to send over their chapter 934 water determination over to us. Because of this, we need everything to be reapproved. She said they took not only the revised application but also the previous approvals with their signatures hoping they could be resolved. She said that the environmental department with the county was on board and then it would go to the DEP. She said we are going to do the County concurrently so the water department can get to it sooner rather than later. She said he just needs to put his signature from the first application onto the second one. Councilman McGuigan asked if a Philadelphia City Councilman could be helpful in expediting this process. She said we put the paperwork

in back in February but it did not go through until July. Council President Papaleo confirmed whether or not this was 2019 or 2020. She said that once the new paperwork had to be revised when new leadership came in and hoped that it would be sooner rather than later. She said she was aware that her staff had to keep on top of the water department for this work.

Council President Papaleo stated that he wanted to move the final land development up to the beginning of the meeting.

Rob Lewis from Kaplan Stewart, an attorney for the applicant and Jim Burt and Jim Bob McElroy are on the line and are here to discuss the project. He said he would keep the discussion short. He said his clients are looking forward to moving into the site and redeveloping a site that needs it. Solicitor Alex Baumler said to please give a brief description. Rob Lewis then did a "screen share" and showed photographs of the project, the property located at 1505 Chester Pike and has nearly 100 percent impervious coverage already, including a manufacturing facility and a car wash. He said that nearly a year and a half ago Safestor started looking at the site for a 3,000 square foot self storage facility. He said that in September 2019 he went before the Zoning board and received a use variance for this and then final land development approval. He said that they have been in that preliminary review since December, 2019 culminating in a review letter issued in June of this year. This still has a few technical comments but that any remaining comments are "will comply" from their end and he hopes Council is ready to move forward. He then presented an overview of the site plan. He said he has worked with PennDOT and has received a highway occupancy permit. He said there would be a net decrease in impervious coverage of the site which is important and he believes would be a dramatic improvement over the hodge podge of buildings currently located there.

Solicitor Alex Baumler noted that the final land development resolution was drafted this morning and sent out this afternoon and that the waiver request letter was sent out for three different waivers. Lisa Catania said she did have the opportunity to go through the waivers. She stated that the riparian buffer waivers should be granted as some plantings will be done along the stream bank which we have not seen previously. She said that with regard to the groundwater recharge we should defer this until we can get testing done as this is a federal law and we need to be careful in authorizing a waiver but that we should not hold anything up. She said there are times that these are not done until after construction has started and that if there is not available area we can go back and give waivers later. Rob Lewis asked his engineer whether or not he could go out and do additional testing at the time of construction. Lisa Catania said all that we have to look at is to confirm if there is a place that we can put groundwater recharge, at which point council could waive this section of the stormwater ordinance.

Councilman McGuigan said that the facilities being built at this location would be a dramatic improvement to the location. Council President Papaleo confirmed that he had seen the plans and thought it looked like there was a small park behind the facility. Rob Lewis said this is a dramatic improvement and that this is not the self storage of previous generations, these are state of the art facilities that are well kept and fully "interior loaded" being an attractive piece of the community. Council President Papaleo asked if residents could access any picnic tables in this location. Rob Lewis said that this may not be accessible due to security issues and he could not encourage accessing the site.

Jim Burt presented photographs of the building and describe how users could access the storage. Council President Papaleo said he was willing to sign on. Solicitor Alex Baumler said it could be voted on so long there were no public comments. Manager Andrew Hayman noted that there were none.

Councilman McGuigan made a motion to conditionally approve the application of Robert Miller (Beaconland) for a change in non-conforming use for the property located at 1498 Delmar Drive and was seconded by Councilman Willis. The motion passed unanimously.

Engineer's Report

Borough Engineer Lisa Catania said that our inspector was out today marking the streets to the expect of the paving project. She said she expects AF Damon to be out on the site within the week to inspect the site. She said that every resident who is impacted by the work will receive a letter at their home from AF Damon letting them know. She said residents who are affected will be able to access their homes the day of the work but will not be able to access their driveways and, speaking to residents directly, said that they would have to move their vehicles by 7:00am. She said driving or walking on the hot asphalt would damage vehicles and shoes. Councilman McGuigan asked if they would do one street at a time. Lisa Catania said they would mill all of the streets and then pave all of the streets all at one time. She said it shouldn't take more than a day and a half to do the milling and the paving would take two days. Councilman McGuigan said he planned to park in Councilman Willis' driveway.

Lisa Catania said she has the proposal to do the sidewalk leading to the Amtrak station. She said the Police Chief, surveyor and maintenance crew would paint the lines for the new speed trap on Delmar Drive on Monday.

Public Finance & Administration - Mr. Papaleo

- A motion to approve the bill list for the month of August, 2020 was made by Councilman Ruskowski and seconded by Councilwoman Isaac. The motion passed unanimously.
- A motion approve the Treasurer's report for the month of August, 2020 was made by Councilwoman Isaac and seconded by Councilman McGuigan. The motion passed unanimously.
- A motion to approve the August 4, 2020 committee meeting minutes and August 18, 2020 council meeting minutes was made by Councilman Willis and seconded by Councilman Ruskowski. The motion passed unanimously.
- A motion to accept a permanent ballot box to be located at Borough Hall was discussed. Councilmembers discussed costs associated, potential security measures and other matters. Solicitor Alex Baumler said that any security measures, including surveillance measures, were part of the contract to install the boxes and that the county has awarded a contract to put in concrete for installation. Lisa Catania confirmed that these were put in in the other meetings she has participated in. Councilman McGuigan asked that, considering this is time sensitive whether we could authorize a location contingent on the factors we discussed.

A motion to emplace a permanent ballot box at Borough Hall, contingent upon the solicitor's approval was made by Councilman Willis and seconded by Councilman Waters. The motion passed unanimously.

- Council President Papaleo explained that he and Councilman Willis had worked diligently through the summer to identify potential locations and members of the committee. Once called, members would be named.

Motion to call the parking permit committee to order was made by Councilwoman Isaac and seconded by Councilman McGuigan. The motion passed unanimously.

- Motion to authorize solicitor Alex Baumler to draft and advertise an anti-nepotism ordinance was made by Councilman Willis and seconded by Councilwoman Daly. The motion passed unanimously.
- Motion to appoint Sierra Coleman to the Youth Advisory Committee was made by Councilwoman Daly and seconded by Councilwoman Isaac. Councilman McGUigan noted that we should first vote to create the committee first. Councilman McGuigan motioned to create a Youth Advisory Committee and was seconded by Councilwoman Isaac. The motion passed unanimously. A motion to appoint Sierra Coleman to the Youth Advisory Committee was made by Councilwoman Daly and seconded by Councilwoman Isaac. The motion passed unanimously.

Public Works Committee - *Mr. Willis*

- A motion to hire Neil Callahan as a full time highway department employee was made by Kyle Willis and seconded by Councilwoman Daly. The motion passed unanimously.

Councilman McGuigan noted he wanted to make sure that the finance advisors (Possentis) were already aware and had someone to fill in his spot. Mark Possenti noted that we would have a discussion about this matter and some other matters related to code enforcement.

- Councilman Willis noted that it was worth discussing returning back to street sweeping. He noted that new highway employee Shawn Payne has a CDL and could return to this. He said that we should be sanitizing surfaces and wearing PPE but that we should return to it. Council President Papaleo said that this is something we should do for the sake of our streets and our storm sewers.

Chief Bair said that there is a lot of work going on in the Delmar Village due to PECO work that hopefully will be done by the end of the year but that this may cause a hindrance for residents. Council President Papaleo asked if this means that Council should relax penalties for the timebeing. Councilman Ruskowski said that we should run it when needed but not enforce tickets. Councilwoman Isaac said we should relax for the moment. Lisa Catania said we are required to start street sweeping under our MS 4 and we must start as soon as possible. Council President Papaleo directed Andrew Hayman to put out a blast on social media and elsewhere to remind residents about this but not to discuss the relaxed approach, which could be done behind the scenes.

Public Safety Committee - *Mr. Ruskowski*

- Motion to approve the Police Chief's Report for the month of August, 2020 was made by Councilman Ruskowski and seconded by Councilman Waters. The motion passed unanimously.
- Motion to approve the Fire Marshall's Report for the month of August, 2020 was made by Councilman Ruskowski and seconded by Councilman Willis. The motion passed unanimously.
- Motion to approve the Fire Chief's Report for the month of August, 2020 was made by Councilman Ruskowski and seconded by Councilman Willis. The motion passed unanimously.

Public Health and Literacy - *Ms. Isaac*

- Councilwoman Isaac had no new business.

Public Parks and Recreation – *Ms. Daly*

- Councilwoman Daly reiterated that there will be an outdoor movie (Catching Fire) starring John Cena behind Borough Hall on Friday, weather permitting. She said she is meeting with her committee next week and intends to set up a cleanup day, creating street "captains" to get everyone out to clean up. Then, she intends to start working on Halloween. .

Municipal Planning and Zoning – *Mr. Waters*

- Councilman Waters had no new business.

Municipal Legislation – *Mr. McGuigan*

- Councilman McGuigan explained, relating to the prior discussion, that sometime in 2018 a developer approached the Borough about an area across from the Folcroft Diner on Chester Pike which would be transformed to an indoor storage facility, similar to the area of Ridley near the Walmart in Eddystone. He said that this would revitalize the area and that by the time this project is over it will be better for the environment and will not cause traffic.

Lisa Catania said that the only issue not in the resolution is the third party approvals (FEMA) because of where they are placing the building and the driveways. She said that this was supposed to happen in the third week of August but she hasn't heard anything, yet. She said that once everything had been received work could begin. She mentioned different resolutions and agreements that must be made and fees that must be paid. Her best guess was that the project would probably start in March or April, 2020. She said she was waiting until December until we see anything. Solicitor Alex Baumler said the application would be put in next week. Councilman McGuigan said that they will now start applying for permits.

New Construction Committee – *Mr. McGuigan*

- Councilman McGuigan said that while we had already discussed it, he's heard that we're looking at another month out and that we had a Pre Construcion meeting today to see where and when we could have a ribbon-cutting ceremony. He said we are still approximately a month out. Time lapse

photography of construction and the fencing off of the playground were discussed as per a prior meeting. Councilman McGuigan said that the contractor's lumber prices have gone up 132% since the project was bid. He said this was put in during COVID and we understood we would get more favorable quotes. He said that every day the supply-chain is effected due to COVID the cost of supplies go up. He said that the builder understands they will work with this but Council said we should be aware that this could become an issue.

Police Chief's Report

Chief Bair said that he wanted to go over a bit of what is going on. He said an officer had a nice arrest with a lot of Meth seized from a car stop. He said he has been addressing certain houses that are problem houses. He said we are not all the way up and running with regard to crime-watch but we are getting some use out of it, including arrests. He said some times about issues like parking have been addressed and taken care of. He said we have gotten complaints about kids with bicycles, including several who were stopped and warned this evening. He said that we have not had any new issues related to COVID. He said we've taken 6 or 7 cars off the street in the village that were abandoned.

He said that we discussed crossing guards and that they were dropped from 6 to 4 for the Catholic school and now 3 guards for the public school on Monday, Wednesday and Friday pickup under the direction of Cindy Frey. He said we are still evolving with this.

Solicitor's Report

Solicitor Alex Baumler said everything is still quiet related to court activity. He said that he was in contact with Counsel regarding the bank and that there are 3-4 agreements to handle. He said the loan closing portion should be done soon. He said we received the proofs for both borrowing ordinances back and the DCED application should be completed soon.

Finance Director's Report

Finance Director Joe Possenti said that we have a budget meeting on Thursday night. He said everything is paid currently and he will explain in more detail on Thursday, doing from 9/17/2019 to 9/17/2020. He said we are slightly down in revenue and that more people are going back to work but that is the only thing that is lacking. Council President Papaleo asked what percentage it would be. Joe Possenti said it was either 10% or 12% but not as bad as expected. With the 7/11 project and others coming in would be a substantial amount of money coming in. He wanted to find out how the millage would be calculated for this year prior to the meeting and he had not gotten reassessment report yet. He said the Delcora issue with Darby Creek and the Muckinipattis could go to court and we should get some projections on processing fees. He said he knew that County Council did not want Delcora to sell out to Aqua and that the creek authorities are involved in this. Lastly, he wanted to thank the Chief for managing overtime as we are only giving out overtime for details and this is all reimbursed.

Solicitor Alex Baumler said that essentially business should be considered usual and that the litigation should slow things down but this would be over several years. We're looking at 2-3 years before a final

resolution and everything should hold steady for now. Councilman McGuigan said that he sits on both committees and that this isn't entirely true because the legal fees fighting this battle are extremely expensive. Alex said that he would not get in too far into this but there is always a petition in motion for the attorney's fees and we may not be the entire cost of the fees, though every lawsuit is different.

Councilman McGuigan asked Joe Possenti if we have received anything back from committees on budget capital expenditures. Joe Possenti said he had not received anything. Councilman McGuigan said this is an opportunity to do these things. He said this is a pet peeve of his when people bring forward expensive projects. Council President Papaleo noted that Councilwoman Isaac had submitted several things. He also said that we have terrible equipment on our highway department and that we need to start purchasing more equipment. Joe Possenti overviewed how this process has worked historically with the police department and others.

Borough Manager's Report

Borough Manager Andrew Hayman noted the number of code enforcement violation fines written thus far in the month of September and mentioned that it might be advisable for Council to discuss creating and posting a new position for a code enforcer in Folcroft Borough. Council President Papaleo expressed support for this.

Motion to make a motion to post for a code enforcer at 15/hour for 20 hours per week was made by Councilwoman Isaac and seconded by Councilman Waters. The motion passed unanimously.

Old Business

Mayor Frey said he was going to mention about the backhoe which will be needed for the salt. He said that in the spring, the clocktowers for the Christmas tree lighting cost the Borough a few thousand dollars because wires were broken and are dead. He said they also broke all new wires to the Rasmussen sign. Lisa Catania said we are under a maintenance bond under the Community Development Block Grant and that the relevant parties will be made aware. She said she believed Mecca did all the work for this project.

New Business

Council President Papaleo discussed the idea of parking commercial vehicles and that this was a non-starter for parking on residential streets. He said parking is already at a premium and it isn't something we want to see. He said he was brainstorming and that the parking lot across from Borough Hall is under-utilized for a permit for payment for working class people in the municipality for people where it was first come, first serve for the spaces available. He said he did not want people parking on the street. He said he believed Eddystone Borough has a specific zone where they allow people to park commercial vehicles as it is a working class town. He said we may have space in the industrial park from the evening to morning hours when people leave for work.

Councilwoman Isaac said this was a wonderful idea. Her concern was whether or not people would walk down or be driven down and asked whether this would be an annoyance. Council President Papaleo said

this was not a perfect solution but was better. Councilwoman Isaac asked what our liability would be for something like this. Solicitor Alex Baumler said that we would be a defacto parking-lot operation at this point and we could disclaim any and all liability for anything that occurs but that doesn't stop a person from suing us and testing the theory in court. Council President Papaleo asked if a survey could be done of space down in the industrial park. He said he was just trying to come up with a solution for the more than handful of people who have this problem. Solicitor Alex Baumler said the first step was to get a surveyor and then determine which streets would work for this and then allowing people to do this. Council President Papaleo said the village was not conducive for allowing people to park in their own driveways. Councilman McGuigan asked if someone has a commercial vehicle and we issue permits for smaller trucks could we also issue them. He said we should be more forward thinking on this matter as some owners' vehicles only have a sticker and are no different from private vehicles. Mayor Frey asked if we would need to change the parking ordinance for commercial vehicles of a certain size. He said he had to get magnetic stickers to cover the stickers on his vehicle and his was the same size as the ordinance. Solicitor Alex Baumler confirmed that we would at least have to modify our parking ordinance and possible a nuisance ordinance as well.

A motion to adjourn was made by Councilwoman Isaac and seconded by Councilman McGuigan. The motion passed unanimously. Meeting adjourned at 8:37pm.