

**BOROUGH OF DARBY
BOROUGH COUNCIL MEETING
May 18, 2011**

The Darby Borough Council met at Borough Hall on the above date with the following members present: President Janice Davis, Vice President Howard Blackson, Jr., Ms. Ruby Robinson Munden, Mr. Donald Deigh, Mrs. Jennifer Parks, Ms. Darlene Hill, Mr. Patrick McKenna, Mrs. Marie Howells and Ms. Edna Stockley. Also present were Mayor Helen Thomas, Borough Manager Mark Possenti, Assistant Solicitor John Ianelli, Code Official Joseph Nerelli, Police Chief Robert Smythe. Borough Engineer Eileen Mulvena was excused.

President Davis called the meeting to Order at 7:30 p.m. followed by Roll Call.

Pledge of Allegiance.

PUBLIC COMMENT:

Paula Brown – 206 Highland Avenue: Ask questions regarding Budget v. Actual and the total amount of bills to be approved tonight.

Terry Carswell – 134 Summit Street: Read a short item regarding working together and moving the Borough forward.

NRO:

Clean Holdings, LLC – 188 S. MacDade Blvd.: To operate a self-service Laundromat. Motion made by Mr. Blackson to approve a temporary CO for 120 days pending all final inspections; 2nd by Mrs. Howells. Motion carries 9-0.

Popeye's Chicken – 150 S. MacDade Blvd.: To operate a Popeye's Chicken. Motion made by Mrs. Parks to approve a temporary CO for 120 days pending all final inspections; 2nd by Ms. Munden. Motion carries 9-0.

Bevis Vanterpool – 880 Main Street: To operate a Pharmacy. Motion to approve made by Mrs. Parks; 2nd by Mrs. Howells. Motion carries 9-0.

Amrit Dhaliwal – 731 Main Street: Change of ownership of the 7-11. Motion to approve made by Mr. McKenna; 2nd by Mrs. Parks. Motion carries 9-0.

ENGINEERS REPORT:

See Attached.

Motion to accept the Engineer's Report made by Mr. Deigh; 2nd by Mrs. Parks. Motion carries 9-0.

MAYORS REPORT:

See Attached.

Motion to accept the Mayor's Report made by Mr. Blackson; 2nd by Mrs. Parks. Motion carries 9-0.

APPROVAL OF MINUTES (4/20/11 & 5/4/11):

Motion made by Mr. Blackson; 2nd by Ms. Hill. Motion carries 9-0.

NEW BUSINESS:

- a. **Resolution 2011-006:** Motion made by Mrs. Parks; 2nd by Mrs. Howells to authorize the Borough Manager to submit an Energy Grant to County Council. Motion carries 9-0.
- b. **Approval of 2008 Audit:** Motion made by Mr. Deigh; 2nd by Mr. Blackson. Motion carries 8-1. Ms. Stockley voted No.
- c. **Approval of 2009 Audit:** Motion made by Mr. Blackson; 2nd by Mr. Deigh. Motion carries 8-1. Ms. Stockley voted No.
- d. **Permission to Advertise the Condensed 2008 Audit Report:** Motion made by Mr. Deigh; 2nd by Mrs. Parks. Motion carries 8-1. Ms. Stockley voted No.
- e. **Permission to Advertise the Condensed 2009 Audit Report:** Motion made by Mrs. Parks; 2nd by Mr. Deigh. Motion carries 8-1. Ms. Stockley voted No.

COMMUNICATIONS & REPORTS:

- a. Fire Chiefs Report: See Attached.
- b. Historical Commission Report: Old Borough Hall Flea market Fundraiser.
- c. Ordinance/Zoning: No Report
- d. Community Relations: Upcoming Library Meeting, Summer Employment, Career Fair at the Rec Center and Chances for the RBI League.
- e. Municipal Services: Cutting grass, cleaning parks, picking up blue bags and painting cross walks..
- f. Public Safety: Motion made by Mr. McKenna; 2nd by Mrs. Parks to approve the Mutual Aid Agreement between County Sheriffs Department and Darby Borough. Motion carries 9-0. Motion made by Mrs. Parks; 2nd by Ms. Munden to hire James Allen Realer as the Director of the Recreational Center. Motion carries 9-0. Chief Smythe discussed the Police Raid last week.
- g. Recreation: Mrs. Parks discussed the upcoming Youth Day, Flea Market and Car Show.
- h. Finance: Motion made by Mrs. Howells; 2nd by Ms. Hill to approve the paid bills for the month of May. Motion carries 7-1. Ms. Stockley voted No.
- i. Grants: Ms. Hill will be in contact with the new Recreational Director.
- j. Solicitors Report: No Report

Motion to accept all reports & minutes made by Mrs. Parks; 2nd by Mr. Blackson. Motion carries 8-0.

BOROUGH MANAGER CORRESPONDENCES:

SEPTA will be holding a Ribbon Cutting Ceremony on June 17, 2011 at 10AM.

COUNCIL PRESIDENT COMMENTS & ANNOUNCEMENTS:

Read a Thank you regarding the Senior Luncheon.

ADJOURNMENT

Motion made by Mrs. Parks; 2nd by Mr. McKenna. Motion carries 8-0.

Respectfully Submitted,

Mark Possenti
Manager/Secretary
Borough of Darby

MEMORANDUM

WALTON, MULVENA & ASSOCIATES

100 Grove Rd. PO Box 518 Thorofare, NJ 08086

Phone: (856) 848-0033 Fax: (856) 848-0277

Division of NDI ENGINEERING COMPANY



DATE: 18 May 2011
TO: Darby Borough Council
FROM: Eileen W. Mulvena, P.E.
RE: Engineer's Report Thru May 18, 2011

FY 2010 CDBG - 439 Main St. Clean-up

The contractor is substantially complete on the project. We should close this out before the end of the month.

FY 2009 Sanitary Sewer Cleaning & Televising – Consent Order

The portable metering is ongoing; however, two of our meters have a bad pressure transducer and were shipped out for service. We are continuing with metering using the third meter; fortunately, we continue to have good wet weather events.

16 Greenway Demolition Application

We are hopeful that County Council will approve the application for demolition funding shortly. We will apprise Council as soon as we have any news.

Population Report

We have asked the Code Dept to review businesses in the Borough in which the count of employees is known. The EDUs have been determined using the DEP guidelines which is not employee count; we just want to verify that using an employee count will yield comparable EDU counts.

Sanitary Sewer Maintenance

Darby Town Center

The manhole rehabilitation work has been done for all locations but one using the monies provided by the MacDade Shopping Center. We need a PennDOT permit for the final one and we are awaiting the permit. We also submitted a permit application for the manhole rehabs to be performed by the shopping center owner for compliance to the DCJA approval. We are awaiting those permits as well.

It is understood that the shopping center requires additional sewage planning approval for a proposed tenant. The applicant will need to make improvements for this loading. They have suggested grouting and/or lining of sewer mains. We have reviewed the televising reports in the service area and the lines are not all suitable for grouting/lining. They will need to replace some of the line sections in order to achieve the I/I reduction. We have provided the televising reports to the contractor who is doing the work for the owner of the shopping center. I edited the sewer module form for Mark to sign to indicate that the

approval is contingent upon removal of I/I equivalent to the proposed increase in sewage capacity they are requesting. Please keep us informed as to their schedule for lining/replacement activity.

Commerce Street sinkholes

We inspected the sinkholes that were reported on Commerce St. The laterals at 509 and 511 appear to be defective. Also, it looks like the rain water conductors are connected to the sanitary sewer which 1) is illegal and 2) adds to the I/I issue that you're paying for now in your bill from DCJA. My father did not go up and down the street to see if all were like that; but, since he was already in front of those houses, he noted that.

We looked at the tape and at 185ft west of 5th St., there is a main problem. The sewer problem is closer to 519 Commerce.

And, at 523, there is another lateral problem just off the curblines as someone has covered it for protection.

Are we going to be able to fix? Let's assume 20 feet at the section that is bad on the tape @ \$250/LF = 5000

Fix 3 laterals – assume we only have to do spot repairs and not the whole section between the curb and the main: (2) @ \$5,000 = \$10,000. We think we can get the two at 509 and 511 fixed with one trench and then do 523 as another trench which is how 3 laterals get fixed using (2) locations. The property owners are responsible for this in Darby; but, I don't know if they can afford it and we can't really let this go.

Final restoration of the ditches could be done using the County Aid monies.

While he was there, someone complained that when a street sign of some kind was removed, a piece of the pole was left sticking up a couple of inches. People have tripped over this. They would like to see the stub removed. Is this something the Highway Dept. can address?

Mulberry Street

A sinkhole was reported at 311 Mulberry St. John Kalin added dye to the sinkhole and observed the dye in the next downstream manhole. This is indicative of a defective lateral.

Manhole Maintenance

The DELCORA metering maintenance contractor has advised us that three of the manholes that have DELCORA meters installed require bench/channel improvements: Pine St., 2nd St., and 12th St. We can rehabilitate the manholes and make any bench/channel improvements at \$2,500 each. If the Borough wishes to phase these and do one/quarter, we could complete by the end of the calendar year. Please advise how Council wishes to proceed. John Kalin did remove the debris from the bottom of the manhole at 2nd St. which had been requested by DELCORA's metering consultant.

Land Development

Dollar Store

There has been a land development application submitted to Yeadon Borough for a Dollar Store at Cedar Ave. at Marks Ave. The sanitary sewer connection is proposed to be connected to the Darby Borough collection system. I have been given the plans to review so that the applicant can proceed with a sewer application to DCJA. The Borough will need to invoice the applicant for the engineering review time. In addition, the Borough will require \$2500/EDU (estimated to be 1 EDU) for I/I removal equivalent to the

proposed increase in sewage. This would need to be paid prior to the Borough approving the capacity request that would then be forwarded to DCJA.

Today's Child, Colwyn – Splash Pad Application

If Today's Child proceeds to apply for a permit to install a splash pad on the front yard of the property, Darby Borough will likely require a permit for the overflow discharge to the inlet on 4th/Main Sts. At this point, insufficient information is available to determine exactly what the scope of work involves. Attached is the email I sent to both Boroughs requesting additional information.

Utility Company Street Restoration Ordinance Revision

We provided a copy of the ordinance adopted by other municipalities in the COG. It provides for street resurfacing of half the cartway by any utility who creates a trench in excess of 20 feet long. This provides for some much needed street resurfacing improvements to Borough streets. We recommend that Council proceed to advertise and adopt this ordinance.

EDCCOG Stormwater Grant

The EDCCOG received a phase II grant from the William Penn Foundation. The meetings are being held on a monthly basis. A proposal for a follow-up agreement between the various municipalities has been circulated for consideration. The Project Manager is hopeful to have feedback by the end of May on the interest level of the various municipalities. The Borough will pay somewhere in the vicinity of \$4200 and \$6500 dependent on the number of municipalities that join. Both the consultant attorney and the temporary stormwater management coordinator have been selected. This grant is to enable the COG members to realize reduction in cost in meeting the requirements of our NPDES MS4 permit which is the permit regulating stormwater. The proposed agreement is being circulated and the attorneys are being asked to meet to review it. I am still reviewing it and will forward my comments to Council, Mark, and the solicitor for your consideration.

542 Keystone Ave. ADA Complaints

The Borough's street maintenance contractor is scheduled to pour the sidewalk/curbing fronting the Borough's lot on Keystone Ave. With the rain this week, this work may be delayed.

The Code Enforcement Officer could also inspect each property and identify and notify property owners of defective sidewalks/curbing/curb cut corners.

Municipal Services Committee Meeting

We would propose that there is benefit in the committee meeting on a monthly basis to review existing conditions and to identify and plan for future improvement and maintenance efforts.

Conservation Works! Grant

The lighting contractor is essentially complete with the replacement of fixtures. We have forwarded each lighting outage complaint to the contractor and they are to inspect and report back to us on the problems with each and recommended resolution.

The pole and mast arm are on order for the flashing signal at 14th and Main St.

We still need the police reports for incidents occurring during the last three years at Front and Main Sts. If there have been no accidents, please ask the Chief to document this in a letter. We can then prepare the letter to PennDOT asking that the signal permit be voided.

NPDES MS4 Permit

DEP has granted an extension to the effective date of the new permit. The DEP review letter regarding the Borough's Year 7 NPDES annual report has been received. We are required to provide a response and will prepare one for Mark to submit. We have provided Mark with recommendations for items to incorporate into the website and permitting process so you are demonstrating compliance to the MS 4 program requirements.

H2O grant

The Borough's current contract with the state has an effective date of January 2009. It is possible to have an earlier effective date so we have asked for it to be changed to August 2008 so we can use the work done by JMC in the vicinity of 14th St. as the Borough match. The grant covers 2/3 of project costs; the Borough match is 1/3. Since the grant amount is \$50,000, the total project cost is \$75,000 and the Borough match is \$25,000. If the contract is modified, the Borough could receive the reimbursement for the work already performed.

PennDOT curb cut ramp guidance

PennDOT has revised its policy for design approval of curb cut ramps. Applicants are required to complete a design form in advance of receiving a Highway Occupancy Permit for construction. The Code Department should be aware of this new requirement to ensure that applicants are compliant.

Sewer Module approval for 416 S. 4th St.

As a condition for occupancy approval, the applicant needs to pay Colwyn Borough for the rehabilitation of manholes which was a condition of sewer approval. Please ask for confirmation that both DCJA and Colwyn sewer conditions have been met. A copy of the executed maintenance agreement has been recorded and all parties should be receiving a copy.

Stormwater Management "Tip of the Month"

Our places of work can contribute to stormwater pollution. Activities at restaurants, building and construction sites, and at businesses of all types can have negative impacts on our streams and waterways. Here are some steps that can be taken at the workplace to minimize stormwater pollution:

- Control litter by sweeping and picking up trash regularly.
- Sweep floors, materials processing and storage areas, access roads, parking lots and sidewalks. Do not wash down with a hose.
- Properly contain and dispose of wash water, sweepings and sediments.
- Prevent spills from entering storm drains and discharge points.
- Keep outdoor storage containers in good condition.
- Use secondary containment measures for material and waste storage areas.
- Clean up spills immediately to minimize safety hazards and prevent spills from reaching a storm drain inlet.
- Use absorbent materials to clean small spills rather than hosing down the area.
- Follow the usage directions for pesticides and fertilizers. Try to use them only as needed.

- Do not over water landscaping. This will prevent excess stormwater runoff from leaving the property.

Darby Borough Police Department

May 18, 2011

To: The Mayor

Subject:

Cc:

The Police and Community would like to extend our thanks to the Federal Gov't, State, County and local municipalities in participating in a successful operation in our last sweep. It truly gives us an opportunity to stay a leg up on the bad guys.

Residents are reminded to call us immediately, use 911, if you observe or suspect drug activity in your neighborhood.

The Dept. would like to remind residents that abandoned vehicles on Boro. streets and private property will be strictly enforced. Your vehicle will be sticker and can be towed within a seventy-two hour period and if the vehicle is deemed a hazard, the vehicle can be towed immediately.

We're glad and relieved to welcome three new officers on board, Frank Fazzio, Nicholas Criscillo and John Ettore. It appears that they're quick learners and should be up and ready as the summer season approaches.

In closing the Dept. is preparing for the summer season, the busiest, but with the help of the community we're looking for a safe and joyous season.

Raise The Roof

Old Borough Hall, 44 N. Ninth Street in Darby, was built circa 1840 and used as a school, jail, police station, and Borough offices, as well as storage for the Darby Ram of Darby Fire Co.

#1. The building can have a new life as a museum of Darby Area History (including the area's Underground and Aboveground Railroad (trolley) history), but it needs a new roof. In January, the Friends of Old Borough Hall started a "Raise the Roof" Campaign to put a new metal roof on the building. We are continuing to raise the funds to do so – and we are getting close to our materials goal! You can help! So come out on May 28 to sell or to shop – or both!

FLEA MARKET

Fundraiser at Old Borough Hall Courtyard,

44 N. Ninth Street, Darby

Saturday, May 28, 2011 from 10 am-3 pm

Do some spring cleaning, make some \$, and support OBH at the same time!

Food and Darby Tee Shirts will be on sale, too.

Table Space \$10 for one space, \$20 for two spaces – Please bring your own tables and Set up at 9am.

For more information and to sign up for table space,
call (610) 583-0788 or visit www.darbyhistory.com/OldBoroughHall

Darby Fire Company #1

Chiefs Report

April 2011

38 Calls

Automatic Fire Alarms	17
Building Fire	07
Gas Leaks	04
Assist EMS	03
Motor Vehicle Accident	02
Service Calls	02
Carbon Monoxide Detector	01
Cover Assignment (Station 08)	01
Vehicle Fire	01
<i>Working Fire</i>	<i>00</i>
Darby Borough	32
Yeadon Borough	03
Colwyn Borough	01
Collingdale Borough	01
Prospect Park	01

In Brotherhood;

Christopher M. Caruso
Chief