

BOROUGH OF DARBY
BOROUGH COUNCIL MEETING
August 18, 2010

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., Mr. Donald Deigh, Mrs. Jennifer Parks, Ms. Darlene Hill, Mr. Patrick McKenna and Ms. Edna Stockley. Also present were Mayor Helen Thomas, Borough Manager Mark Possenti, Solicitor Raymond Santarelli, Code Official Joseph Nerelli and Borough Engineer Eileen Mulvena. Ms. Ruby Robinson Munden, Mrs. Marie Howells and Police Chief Robert Smythe were absent.

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

Pledge of Allegiance.

PUBLIC COMMENT:

Mrs. Leslie McGirth & Mr. Michael Sosnowicz, 9 & 11 North 9th Street: Concerns regarding parking in front of their buildings.

Mr. Tony Spano, 1109 Lawrence Avenue: Concerns and questions regarding S&S Auto.

Maryann Bender, 524 Pine Street: Had concerns regarding Pine Street.

NRO:

K & CJ, INC., Kang Hee Lee, Sciarrino's Pizza at 4 Chester Pike. Change of Ownership. Motion to approve made by Mr. Blackson; 2nd by Mrs. Parks. Motion carries 7-0.

ENGINEERS REPORT:

See Attached.

Motion to authorize for the Borough Engineer to ask the County to use the \$100,000.00 for Demolition at 16 Greenway & 1022 Ridge Avenue made by Mr. Deigh; 2nd by Mrs. Parks. Motion carries 7-0.

Motion made by Ms. Hill; 2nd by Mrs. Parks to approve JMC Contractors for Lots 1 & 2 for a contract amount of \$100,000.00. Motion carries 7-0.

Motion to authorize the Engineer to prepare bids for school warning signals at 14th & Main and Front & Main Streets made by Mr. Deigh; 2nd by Mr. Blackson. Motion carries 7-0.

Motion to accept the Engineer's Report made by Mrs. Parks; 2nd by Mr. Blackson.
Motion carries 7-0.

MAYORS REPORT:

See Attached.

Motion to accept Mayors Report made by Mrs. Parks; 2nd by Mr. Blackson. Motion carries 7-0.

APPROVAL OF MINUTES (7/21/10):

Motion made by Mrs. Parks; 2nd by Mr. Deigh. Motion carries 6-1. Ms. Stockley voted No.

NEW BUSINESS:

- a. **2011 MMO:** Motion made by Mr. McKenna; 2nd by Ms. Hill. Motion carries 7-0.
- b. **Business Agreement (HIPAA Act):** Motion made by Mr. Deigh to execute the agreement; 2nd by Mrs. Parks. Motion carries 7-0.

Motion to re-appoint Louella Richardson on the Planning Commission to a 4 year term effective 1/2009 to 1/2013 made by Mrs. Parks; 2nd by Ms. Hill. Motion carries 7-0.

Motion to re-appoint John Haigis on the Planning Commission to a 4 year term effective 1/2010 to 1/2014 made by Mrs. Parks; 2nd by Ms. Hill. Motion carries 7-0.

Motion to appoint Paulette Stevens to replace Robert Howells to a term to expire on 1/2011 made by Mrs. Parks; 2nd by Mr. Deigh. Motion carries 7-0.

Motion to appoint Joy Briggs to replace Deborah Bolden to a term to expire on 1/2013 made by Mrs. Parks; 2nd by Mr. McKenna. Motion carries 7-0.

COMMUNICATIONS & REPORTS:

- a. Fire Chiefs Report: No Report.
- b. Historical Commission Report: See Attached

Council recessed in Executive Session for Litigation and Potential Employee Matter.

- c. Solicitors Report: Three Employment matters discussed in Executive Session motion to approve made by Mrs. Parks; 2nd by Mr. Blackson. Motion carries 7-0. Motion to authorize the Solicitor to execute the stipulation of the tax assessment appeal of the property at 1 North 2nd Street made by Ms. Hill; 2nd by Mr.

Blackson. Motion carries 7-0. Motion for the Borough to give consent to settle the claim against the Borough by Austin Miller made by Mrs. Parks; 2nd by Mr. Blackson. Motion carries 7-0. Motion to authorize payment in the amount of \$1450.00 with the agreed general release for George Mizzon made by Mr. Deigh; 2nd by Mrs. Parks. Motion carries 7-0.

Motion to approve the bills for the month of August made by Mrs. Parks; 2nd by Ms. Hill. Motion carries 7-0.

BOROUGH MANAGER CORRESPONDENCES:

None.

COUNCIL PRESIDENT COMMENTS & ANNOUNCEMENTS:

Car Show, Nadines Food Cart Grand Opening 8/23

ADJOURNMENT

Motion made by Mrs. Parks; 2nd by Mr. Deigh. Motion carries 7-0.

Respectfully Submitted,

Mark Possenti
Manager/Secretary
Borough of Darby

MEMORANDUM

WALTON, MULVENA & ASSOCIATES

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

Division of NDI ENGINEERING COMPANY **ndi**

DATE: 18 August 2010
TO: Darby Borough Council
FROM: Eileen W. Mulvena, P.E.
RE: Engineer's Report Thru August 18, 2010

439 Main St. Clean-up

Please let us know if we are to inspect the site during the clean-up period.

FY 2009 Sanitary Sewer Cleaning & Televising – Consent Order

We need to schedule the manhole inspections during nighttime hours to document where there is higher flow than is expected. Thirdly, we need to begin portable televising to identify areas of I/I. We met with Councilperson Howells and John Kalin and discussed the need for safety equipment as well as confined space training and vaccinations. Has Council had an opportunity to consider the confined space training information distributed last month? I will be asking the other communities we work for to provide a count of individuals they wish to have trained.

Gateway Signage

Ernel Company has suitably restored the areas. If we could have the Public Works crew reseed the three areas where the poles were installed in grass in the fall, that would probably stabilize these areas.

FY 2010 CDBG

Last month, Council decided to ask for the monies from the 439 Main St. clean-up to be diverted to sanitary sewer improvements. It is my understanding that demolitions may be a higher priority. Does Council wish to change the project scope from what was decided last month? The County has indicated they could fund either project.

Rehabilitation/Replacement of Storm Inlets (CDBG Project #3412A)

The County approved the issuance of the change order. It was prepared and sent to DeCo for signature. I have contacted them numerous times but have not gotten a response. I've asked Mark to contact them as well. The work cannot begin until the change order is signed by the contractor, Borough Engineer, Borough Manager, and County.

As a reminder, the County has committed an additional \$3,250 above what they previously added, and the Borough authorized \$4,400.

Ordinary Sewer Maintenance

The sewer portion of the FY 2010 Ordinary Street and Sewer Maintenance work was readvertised on July 30 and August 2. Bids were opened on August 12. Bids were received from JMC Contractors, Inc. and A.J. Jurich, Inc.

It is recommended that a contract award be made to JMC Contractors, Inc. for Lots 1 and 2 for a contract amount of \$100,000. This will enable the H₂O project to be completed as well as utilize the monies from the Darby Town Center for the rehabilitation of manholes.

Consent Order and Agreement

We have reviewed the CDs for those areas identified by Video Pipe as being in the worst condition. We have prepared an estimate to repair/replacement the worst sections of the sewer. I would suggest we meet with the Municipal Services Committee, Mark, and John Kalin to come up with a plan to present to Council.

We have begun to model the sanitary sewer system which is a requirement of the CO&A. This model will indicate what the expected flows are at each meter based on average condition of pipe. When we do the portable metering, we will compare the predicted flows to the actual metered flows and will determine which lines have the highest I/I contribution. The metering and the modeling are the last two items required under the Agreement.

Demolition of 16 Greenway Ave.

The application for CDBG funds has been submitted to the County.

EDCCOG Stormwater Grant

The EDCCOG received a phase II grant from the William Penn Foundation. The meetings are being held on a monthly basis. 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 stormwater coordinator will be at the August 18, 2010 meeting to bring the Council and public up to speed on the upcoming MS4 permit. The new permit application period has been extended. DEP has just sent notification.

Darby Town Center Land Development Application

Bohler Engineers obtained actual water consumption data for a Save-A-Lot facility in the Philadelphia Area to determine if the use is more like a grocery store or a retail store. Based on the analysis presented, it is agreed that the water consumption of a Save-a-Lot store is more like that of a retail establishment. Therefore, it is recommended that the Borough accept the I/I reduction monies already committed by the applicant, and waive the requirement for additional monies.

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. As the televising continues, these meetings will prove very meaningful as it relates to the sanitary sewer system. It also would be nice to consider a street improvements program to address some of the older paved areas in the Borough.

Conservation Works! Grant

Please see the attached email regarding traffic signal changes to be addressed by the Borough. This is delaying the LED signal head replacement effort. Since this is being paid for with stimulus monies, the project is fast-tracked.

As a reminder, there is a charge for the electronic copy of the base map for the town that the County provided. The County will invoice the Borough for this and it will be less than \$25.

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. There will likely be a small amount the Borough will still need to expend in order to meet the full match requirement.

Stormwater Management "Tip of the Month"

Roundup is widely marketed as an environmentally friendly herbicide that can be safely used for spot treatment of weeds in gardens, lawns, and on paved surfaces where weeds sprout. However, one of the ingredients in Roundup, polyethoxylated amine (also referred to as POEA) can be extremely toxic to algae, frogs, fish, shrimp and other aquatic life if it gets into streams, rivers, or other bodies of water. The EPA requires herbicide manufacturers to provide proof that the *active* ingredients in their products are safe for the environment. But because POEA is an *inactive* ingredient in Roundup, it has escaped scrutiny.

Instead of using Roundup for weed control, try using an alternative. One alternative is acetic acid, or plain old white vinegar. When white vinegar is sprayed on weeds, it causes a chemical burn that eats away at the foliage until no leaves remain on the plant. Vinegar breaks down quickly in the soil and is safe to use near water or on pavement. You may have to apply the vinegar somewhat more often than Roundup, but on the upside you won't be creating an environmental hazard when you use it. White vinegar is readily available at the grocery store and relatively inexpensive compared to Roundup.

Darby Borough Police Department

August 18, 2010

To: Mayor Thomas
Subject: Activity for month of July/August
Cc:

The Department would like to give best wishes to Officer Brian Evans and his new bride. They were married last month.

We also would like to congratulate Officer Neil Barbour and wife on their new addition, a baby boy, Neil Jr.

Residents need to be reminded that vehicles abandoned on Boro streets, alley ways and private property are subjected to be stickered and towed within seventy-two hours.

Continue to have a safe and enjoyable summer.

Report of John Haigis to the Darby Borough Historical Commission, August 17, 2010

- 1) The Transportation Center: Project is nearing completion and is expected to go into service at the end of August with a dedication to follow. A request has been made to SEPTA, the Borough of Darby and the Delaware County Planning Department to hold the dedication in conjunction with OcTrolleyFest on October 2. Bid packages for work on the 1904 Trolley Bridge have been prepared and are being reviewed by the Office of Housing and Community Development (OHCD) and the Delaware County Planning Department (DCPD), and should be ready to go out late August/early September .
- 2) Old Borough Hall: Although the tarp held out for a time, during a recent large rain event, water was leaking through the ventilator shaft and a longer-term solution is needed.
- 3) 1000 Main: A contract was awarded and bids prepared by UJMN Architects for both the Darby Library and the roof at 1000 Main. The contractor is ready to proceed as soon as permits are issued by the Borough.
- 4) Greenways: The Clean Air Council is seeking funding for conceptual design studies for a Cobbs Creek Connector from 70th Street, past the Blue Bell (on Darby's eastern border) to the Heinz Wildlife Refuge. (Info at <http://cleanair.org/Transportation/tfmtrail.html>) The significance for Darby is that this could be part of a network of Greenways eventually connecting Darby with the Heinz Refuge and the East Coast Greenway. Delaware County's Greenway Plan can be found at www.co.delaware.pa.us/planning/environmental/greenwayplan.html . And the Greenway committee of the Darby Creek Valley Association (www.dcva.org) is in the process of reviewing the County plan for the 5.2 mile segment from Addingham in Upper Darby to Pine Street in Darby Borough.
- 5) Little Flower Manor/Trumbauer House: An e-mail was sent to the developer and attorney reiterating the importance of the house, asking about its status, and offering whatever help we could provide. The attorney answered that he is aware of our interest and will be back to us when the client is ready to proceed.
- 6) OcTrolleyFest this year will be on Saturday, October 2nd, among other things, celebrating the 100th anniversary of the founding of the Darby Hilldales by postal worker Ed Bolden in 1910. (Ed Bolden also started the Philadelphia Stars.) A "Living Hilldale History Walk and Talk of Fame" will be discussed.