

**BOROUGH OF DARBY
BOROUGH COUNCIL MEETING
April 15, 2015**

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. Esther Lites, Ms. Darlene Hill, Mr. Patrick McKenna & Ms. Jillian Theorgood. Also present were Mayor Helen Thomas, Borough Manager Mark Possenti, Solicitor Raymond Santarelli, Code Officer Tom Gaffney, Chief Robert Smythe and Borough Engineer Eileen Mulvena were present. Mrs. Jennifer Parks was absent.

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

Pledge of Allegiance.

PUBLIC COMMENT:

None.

ENGINEERS REPORT:

See Attached.

Motion to accept the Engineer's Report made by Ms. Hill; 2nd by Mr. Blackson. Motion carries 8-0.

MAYOR'S REPORT:

See Attached.

Motion to accept the Mayor's Report made by Mr. Blackson; 2nd by Ms. Munden. Motion carries 8-0.

APPROVAL OF MINUTES (3/18/15):

Motion made by Mrs. Lites; 2nd by Mr. Blackson. Motion carries 8-0.

NEW BUSINESS:

- a. Motion to approve Resolution 2015-001 made by Ms. Munden; 2nd by Mr. Blackson. Motion carries 8-0.
- b. Motion to approve the Paid Bills for the month of April made by Mrs. Lites; 2nd by Ms. Munden. Motion carries 8-0.

COMMUNICATIONS & REPORTS:

- a. Fire Chiefs Report: See attached.
- b. Historical Commission Report: See attached.
- c. Tax Collector Report: Report was read to Council.
- d. Library Report: See attached.

Council recessed into Executive Session to discuss litigation and personnel.

- e. Solicitors Report: Motion made by Mr. Blackson; 2nd by Ms. Munden to consent to the settlement of the matter captioned Brown and Williams v. Darby Borough et al; which is pending in the United States District Court for the Eastern District of Pennsylvania at No. 2012-3547, the settlement amount is \$41,500 to be paid from insurance proceeds. Motion carries 8-0. Motion made by Mr. Blackson; 2nd by Ms. Munden to consent to the settlement of the matter captioned Sesay and Moriba Brooks v. Darby Borough et al; which is pending in the United States District Court for the Eastern District of Pennsylvania at No. 2014-5822, the settlement amount is \$32,500 to be paid from insurance proceeds. Motion carries 8-0.

Motion to accept all reports made by Ms. Munden; 2nd by Mr. Blackson. Motion carries 8-0.

ADJOURNMENT

Motion made by Mr. Deigh; 2nd by Mrs. Lites. Motion carries 8-0.

Respectfully Submitted,

Mark Possenti
Manager/Secretary
Borough of Darby

MEMORANDUM

WALTON, MULVENA & ASSOCIATES

100 Grove Rd. PO Box 518 Thorofare, NJ08086

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

Division of NDI ENGINEERING COMPANY



DATE: 9 April 2015
TO: Darby Borough Council
FROM: Eileen W. Mulvena, P.E.
RE: Engineer's Report Thru 9 April 2015

MS4 Separate Stormsewer Permit

We want to remind Borough residents of the importance of reporting any suspected incidences of illicit discharges that they may observe. More information and illustrations of illicit discharges are available on the stormwater section of the Borough's website. We ask that anyone observing an illicit discharge call 9-1-1 so that the discharge can be investigated and the source traced and the contributor of the discharge can be notified/educated/cited, as appropriate.

The Borough Public Works and Code Departments are participating in training which will ensure compliance for MCM#6 for the permit year ending March 16th.

Last month, DEP hosted a training program for the upcoming MS 4 permit to be issued in 2018. While we have some time before this permit renewal occurs, additional emphasis will be placed on the quality of the water that is discharged through the Borough's stormsewer system. I had previously informed Council that DEP was going to issue TMDLs (Total Maximum Daily Loading) for the Darby and Cobbs Creeks and that each municipality would be required to meet the limits for pollutants set forth in those TMDLs.

Basically, a TMDL establishes the maximum amount of each pollutant found to be compromising the Creeks and requires permittees to institute practices and ordinances that will reduce the pollutants discharged in stormwater so that the water discharged to the Creek will have less than the allowable amount for each pollutant.

Fortunately, the new permit will NOT have a TMDL included. DEP has instead decided to try the "voluntary" route first. When we apply for the next permit renewal, we have to include a plan for reducing the sedimentation and other pollutants discharged through the Borough's stormsewer system. Council will adopt the plan, just as you adopted the plans for the various MCMs (Minimum Control Measures) as part of the last permit renewal. We will then need to ensure enforcement of the plan.

DEP indicated that this approach would be taken, and if successful (sufficient evidence of reduction in pollutants being discharged), then TMDLs would not be imposed.

To begin the process, we will need to determine a baseline for the various pollutants and then compare it to the levels desired.

Over the past few years, it has been mentioned time and time again that we need to look at where RWCs (Rainwater Conductors) on businesses and housing are discharged. If we implement a program where this review is made and all RWCs that discharge to a paved surface are modified to discharge to grass or a landscape bed, then we are going to reduce pollutants in an inexpensive manner. There are other changes we can make; but, this is certainly a simple one to do and the evidence of it being accomplished is easily inspected.

If we don't take advantage of the simple and inexpensive modifications, then compliance is going to be very expensive in terms of capital outlay and maintenance with the purchase of inlet inserts that will collect and separate grit, oils, trash, etc. And, if these low-hanging fruit approaches do not reduce the pollutant levels sufficiently, then the more costly approaches will need to be pursued.

We will develop a proposed enforcement plan and schedule and review it with Mark and the Code Enforcement Department to ensure it can be readily implemented. This will also require an educational aspect for the public to explain the importance of complying with the DEP standards for pollutant reduction and the long-term impact non-compliance will have on taxes.

2015 CDBG

Delaware County Council has advertised the preliminary listing of grant awards and the Borough is shown to be receiving \$75,000 for the sewer replacement and street resurfacing of a portion of Concord Road between Main St. and Brandford Place. We requested approximately \$90,000 in funding so the shortfall will need to be covered by the Borough. The Borough had also indicated in the application a contribution to the project of \$41,000. Therefore, the total now to be funded by the Borough is \$56,000. Sewer fund and Liquid Fuels funds can be utilized to cover eligible portions of the match.

842/844 Main St.

This work needs to be started and completed as we have had numerous wet weather conditions in which the adjacent property has been exposed to water infiltration. I have contacted Mr. Healy for a proposed schedule.

28 S. 5th Street Demolition

The Manager is handling the removal of the tree. It may have been addressed during the past month.

MUTCD Sign Assessment Program

The Borough is required to develop a plan for replacement of signage that does not meet current MUTCD regulations. Mark had asked us to do this and we will be starting this work when the weather is suitable. We will do the field inspections initially and will follow-up with the measurement of retroreflectivity at a later date. We are proposing to rent a unit for one month to

measure the values in each of the towns we work for, and to split the cost of the rental evenly. We want to limit the rental period to one month, so we are doing the field work in all the towns first, and then following up with the measuring so that we minimize the rental period.

W-Weir Located in Darby Creek

The balance of the bank stabilization work will be starting shortly as the Borough expects receipt of reimbursement funds within the next few weeks.

The letter informing the owner of the Darby Town Center property that the eroded condition must be corrected was sent last month. This work will have to be done at the time of the Tyler Ave. work so that additional erosion does not occur. The paved area along the rear property will deteriorate if the bank is not stabilized. This is being kept as a placeholder so that we can remember to follow up with the owner for the DTC so that stabilization of the bank on their side of the creek can be completed.

Sanitary Sewer Repairs

Weather permitting, the Brandford sewer repairs will be done next week.

Sewer Policy

Residents are still responsible for lateral repairs in the Borough. I would like Council to consider taking responsibility for replacement and repair of laterals in the street. Lateral repairs/replacements generally cost between \$2,500-\$12,000. This is likely far more costly than the average residents can afford. If the Borough assesses an increase in the maintenance fee, the money could be earmarked for lateral replacements. A \$15 increase may generate \$50,000 enabling the replacement of approximately 5-10 laterals per year. The Borough's contractor would do the work, which ensures the pipe work and street restoration will be done in accordance with Borough standards.

Revisions to the Act 167 Stormwater Management Ordinance

The Borough's Act 167 Stormwater Management Ordinance addresses requirements for reducing run-off during projects involving earth disturbance and/or land development. It is critical that the Building Code Official be aware of the passage of this ordinance as he is the first person to have contact with applicants for permits. Please ensure that the Building Code Official is aware that stormwater reviews are required for all building permits and earth disturbances regardless of SF of cover or disturbance. Please note that enforcement of the Borough's stormwater ordinance is also a requirement of the Borough's MS4 stormwater permit.

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.

Monthly Stormwater Tip

The Darby Creek Valley Association's annual Stream Cleaning Event is scheduled for Saturday, April 25, from 9am to Noon at scores of locations along the Darby Creek and at the John Heinz Wildlife Refuge. Come out and join other volunteers pulling tires, plastic bottles, cans, and other trash from the Darby Creek. Clean water starts with you! Darby residents who wish to volunteer should meet at the Trolley Bridge on Springfield Road or at the Darby Town Center on MacDade Blvd. Contact Team Captains Jan and John Haigis at 610-583-0788 for more information if you are meeting at the Trolley Bridge location or Jim Mullarkey at 610-237-1270 if you are meeting at the Darby Town Center. Gloves and other supplies will be provided at the site.



Darby Borough Police Department

1020 Ridge Avenue
Darby, PA 19023
610-586-1100
Fax: 610-461-5600

Robert F. Smythe
Chief of Police

Helen R. Thomas
Mayor

04-15-15

Mayor's Report

The Darby Borough Police Department is doing an excellent job in combating the crime in the Borough. We are trying to do our best to keep our Borough safe.

First, I would personally like to think everyone for their well wishes, thoughts, and prayers through this trying time with the loss of Officer Mark Hudson. He was a great man and will be truly missed.

With the summer approaching, we would like to remind the residents to please remember to be vigilant in your neighborhood.

Loitering will not be tolerated in the borough and will be enforced. The Mayor or Council members won't be able to assist you if you are arrested or cited.

If you see anything suspicious, remember to call 911. DO NOT take matters into your own hands. That's what the police are here for.

Always remember: "Controlling people's lives is not a leader's trait, but understanding the people's needs that God considers great!"

DARBY FIRE PATROL, NO. 2
 "TIS THE DANGER OF OUR CITIZENS PROMPTS US TO DUTY"
 CHESTNUT & MOORE STS.
 DARBY, PA 19023

April 14, 2015

Darby Borough
 Attn: Mayor Helen Thomas
 1020 Ridge Ave
 Darby, PA 19023

Fire Chief's Report for March 2015

Fire Alarms	9	Rescues	0	Service Calls	0
Assist EMS/ P.D.	1	Investigations	0	Good Intent	12
MVA w/ Injury	1	Gas Leak In	2		
Buildings	0	Gas Leak Out	0		
Cooking Fires	4	Fuel Spill	0		
Vehicle Fires	2	CO Alarms	2		
Trash Fires	0	Weather	0		
Wires	0	Fire Police	0	Total Calls	33

If you want to reach me with any additional questions or comments, I can always be reached via my personal cell phone or email at edwardgannon@comcast.net.

Very truly yours

Edward J. Gannon III

Edward J. Gannon III.
 Fire Chief
 Darby Fire Patrol #2
 Cell 484-682-4186

To: Darby Borough Council:

From: John Haigis

Re: Report from the Darby Borough Historical Commission

Date: April 15, 2015

Dear Members of Council:

I am sending this written report: because I am working tonight and not able to report in person.

The Annual Darby Creek Valley Association (DCVA) watershed-wide cleanup will be taking place on the morning of **Saturday, April 25, 2015**. The annual cleanup this year will be in some 40 sites throughout the 77 square miles and 31 municipalities of the Darby Creek Watershed. Support on the part of the Borough by being a Placemap Municipal Sponsor is greatly appreciated. Participation will help the Borough meet the public education requirements of the NPDES. In Darby we will start at the 1904 Warren Pony Truss Trolley Bridge at Buttonwood Park at 8:00 am. We hope to see you on Saturday.

As you recall, last summer graduate students from the University of Delaware Center for Historic Architecture and Design (CHAD) came to Darby and did research on six of Darby's historic buildings. This work was done without cost to the Borough and could be helpful for future funding requests. Their findings will be presented in May. Also in May, we are working to have Old Borough Hall open as a museum and are seeking volunteer guides and docents. We continue to maintain liability insurance with the Borough named as additional insured.

We have received an engineering report on 1000 Main from Justin Spivey (attached) with the opinion that the building can be returned to residential and/or office use, but we clearly have a long way to go. The Borough's help in the endeavor is greatly appreciated.

We recently received information about a possible funding source through the Greenway Trails and Recreation Program (GTRP) which has money from the Marcellus Shale Legacy Fund. We hope to talk with Council about participation in a joint funding application for the Trolley Bridge and the Greenway Trail. <http://www.newpa.com/find-and-apply-for-funding/funding-and-program-finder/greenways-trails-and-recreation-program-gtrp>

If you have any questions about any of this, please call or write.

Respectfully submitted,

John W. Haigis
1006 Main Street
Darby, PA 19023
(610) 583-0788
www.DarbyHistory.com
E-mail: johnghd@yahoo.com

**Librarian Report
April 2015**

Statistics: 1,616 people visited the library during March.

240 people participated in at least one of our 28 library programs.

The computers reported 897 sessions and 553 pieces of materials were borrowed.

Activities: see flyer

Building Needs:

New Web Site	Wall Repaired
Second Floor Painted	Chair Lift Removed
New Rug	Emergency exit bar on 10 th St Door
Computer Lab	Elevator
Critter evicted from crawl space	
Office Chairs	

Need to spend PECO Grant.

GEEK Program: a meeting was held on March 20. I learned how to set up the professional camera and lighting system. The printing of the poster/pictures cost is to be funded from our portion of the grant.

Darby Free Library will have the camera equipment on Saturday, June 6 from a grant. Does anyone have a flat black curtain I can borrow that day?

Schedule and ideas so far:

First floor: 11 am to 4 pm on Run our DVDs and take pictures.

Library:

11 am Children's program cost \$75

Noon Art class for adults. Learn the color wheel Cost \$75

1 pm Lego Contest

Health Screenings

Music

Speakers

Balloons cost \$5

Flash reading mob at the Darby Loop.

Submitted by

Susan Borders
Director