

**BOROUGH OF DARBY  
BOROUGH COUNCIL MEETING  
June 17, 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. Jennifer Parks, Mrs. Esther Lites, Ms. Darlene Hill & Mr. Patrick McKenna. Also present was Borough Manager Mark Possenti, Solicitor Raymond Santarelli, Engineer Eileen Mulvena, Code Officer Tom Gaffney and Chief Robert Smythe were present. Mayor Helen Thomas and Ms. Jillian Theorgood were absent.

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

Pledge of Allegiance.

**PUBLIC COMMENT:**

No Report.

**ENGINEERS REPORT:**

See Attached.

Motion to approve a title search for 4<sup>th</sup> & 5<sup>th</sup> Streets and Spruce & Pine made by Mr. Deigh; 2<sup>nd</sup> by Ms. Munden. Motion carries 8-0.

Motion made by Mrs. Parks; 2<sup>nd</sup> by Ms. Hill to approve the preparation and advertisement of the amended Flood Plain Ordinance. Motion carries 8-0.

Motion to accept the Engineer's Report made by Ms. Hill; 2<sup>nd</sup> by Mrs. Lites. Motion carries 8-0.

**MAYOR'S REPORT:**

No Report.

**APPROVAL OF MINUTES (5/20/15):**

Motion made by Ms. Munden; 2<sup>nd</sup> by Mrs. Parks. Motion carries 8-0.

**NEW BUSINESS:**

- a. Presentation – 901 Quarry Street
- b. Motion to approve Resolution 2015-004 (2015 JAG Grant) made by Mrs. Parks; 2<sup>nd</sup> by Mrs. Lites. Motion carries 8-0.
- c. Motion for permission to advertise Ordinance #772 made by Mrs. Lites; 2<sup>nd</sup> by Ms. Munden. Motion carries 8-0.
- d. Motion for permission to advertise Ordinance #773 made by Mr. McKenna; 2<sup>nd</sup> by Ms. Munden. Motion carries 8-0.

- e. Motion to approve the lease agreement between Darby Borough and Wheat Services made by Mrs. Parks; 2<sup>nd</sup> by Ms. Munden. Motion carries 8-0.

**COMMUNICATIONS & REPORTS:**

- a. Fire Chiefs Report: See attached.
- b. Historical Commission Report: Discussed the potential study by University of Penn Students.
- c. Tax Collector Report: See attached.
- d. Library Report: Monthly Activities Reported.
- e. Ordinance/Zoning: Monthly Report.
- f. Community Relations: Car Show.
- g. Municipal Services: Monthly Report.
- h. Public Safety: Bible School and preparation for the Pope's visit in September.
- i. Recreation: RBI League and Youth Day.
- j. Finance: Motion made by Mrs. Parks; 2<sup>nd</sup> by Mrs. Lites to approve the paid bills for the month of June. Motion carries 8-0.

Council recessed into Executive Session to discuss Personnel and Legal

- k. Solicitors Report: Motion to consent that would permit the Borough's Insurance carrier to proceed to file an offer of Judgement pursuant to Fed Rule of Cerio Proc. 68 in the amount of \$25,001.00 exclusive of attorney fees made by Mr. Deigh; 2<sup>nd</sup> by Mrs. Parks. Motion carries 8-0. Motion for Council to authorize the surrender of possession without demand of 44 N. 9<sup>th</sup> Street from the Friends of the Blue Bell made by Mrs. Parks; 2<sup>nd</sup> by Mr. McKenna. Motion carries 9-0.

Motion to accept all reports made by Mrs. Park; 2<sup>nd</sup> by Mr. Deigh. Motion carries 8-0.

Motion made by Ms. Munden; 2<sup>nd</sup> by Mrs. Parks to accept the resignation of Darren Burrell from the Civil Service Commission. Motion carries 8-0.

Motion made by Mrs. Parks; 2<sup>nd</sup> by Ms. Munden to accept the resignation of Diane Leahan from the Darby Creek Joint Authority. Motion carries 8-0.

**ADJOURNMENT**

Motion made by Mr. Deigh; 2<sup>nd</sup> by Mrs. Parks. 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:** 12 June 2015  
**TO:** Darby Borough Council  
**FROM:** Eileen W. Mulvena, P.E.  
**RE:** Engineer's Report Thru 12 June 2015

### Storm Sewer Repairs

The project application will be Council previously authorized the repairs to a number of inlets. We had applied for funding through the CDBG program; but, did not receive an award this year. Therefore, we will be preparing the paperwork for submittal to PennDOT for approval to use Liquid Fuels monies to make the repairs.

### 842/844 Main St.

Last month, Mr. Healy indicated he had met with a contractor, and that he anticipated starting in a week. Another three weeks have passed with no progress. This has been going on for about 2 years now. With all the rain we've had, the adjacent property is becoming more and more damaged.

### MS4 Separate Stormsewer Permit

I am leaving the MS4 write-up from last month as a place holder. We will need to get started on gathering the information necessary to develop the plan for pollutant reduction.

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.

### 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.

### 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

Fertilizer runoff is a serious culprit when it comes to stormwater pollution. If you are using commercial fertilizer on your lawn, make sure that you don't apply it when heavy rain is in the forecast, as a heavy rain will wash the fertilizer onto streets and sidewalks and eventually it will flow into the storm drain and from there into our streams, creeks, and rivers. Fertilizer can cause algal blooms, which kill fish and wildlife.

You can fertilize your lawn by leaving grass clippings on your lawn instead of bagging them. The clippings will quickly break down and add nitrogen to your soil.

For good lawn health, set your lawnmower blades high (at least 3 inches) and mow regularly, so you're cutting off only about one-third of the plant. Get your lawn mower blades sharpened regularly so they actually cut the grass, not tear it out. These steps will improve the health of your lawn and lessen the need to apply fertilizer.

# DARBY FIRE PATROL, NO. 2

"TIS THE DANGER OF OUR CITIZENS PROMPTS US TO DUTY"  
CHESTNUT & MOORE STS.  
DARBY, PA 19023

June 17, 2015

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

Fire Chief's Report for May 2015

Fire Alarms	6	Rescues	0	Service Calls	0
Assist EMS/ P.D.	1	Investigations	1	Good Intent	0
MVA w/ Injury	10	Gas Leak In	1		
Buildings	5	Gas Leak Out	0		
Cooking Fires	0	Fuel Spill	1		
Vehicle Fires	1	CO Alarms	1		
Trash Fires	1	Weather	0		
Wires	2	Fire Police	0	Total Calls	31

The building fires occurred on the following dates and times:

5/18/15 at 1034 am 627 Darby Terrace  
5/29/15 at 0106 am 218 Wright Ave

There were no injuries and the fires were kept to the building of origin.

Darby Fire Patrol #2 would also like to announce that we have started a new recruitment drive. Fliers have been placed around the borough. We are actively looking for any and all persons with any skill set to help us protect the community. Please contact the Chief at the numbers listed or you may stop by the firehouse at 5<sup>th</sup> and Chestnut Streets any Wednesday at 7pm to apply.

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](mailto:edwardgannon@comcast.net).

Very truly yours

*Edward J. Gannon III*

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

## Code Office Report – May 2015

- Violation Notices sent – 168
- Snow Violations - 0
- Resale Inspections – 7
- Rental Inspections – 32
- Commercial Inspections – 4
- Building Permits – 11
- Electrical Permits – 4
- Plumbing Permits – 7
- Mechanical Permits – 4
- Miscellaneous Complaints – 147
- Zoning hearings – 0
- Health inspections - 0
- Citations Issued – 15
- Court Hearings – 0

### Construction:

Mercy Fitz is currently under construction

### Miscellaneous:

2 new ordinances will be presented to the committee tonight

### Cease and Desist issued

- None

### Unfit for Human Habitation

- 8 S 5<sup>th</sup> St
- 15 N 3<sup>rd</sup> St
- 31 N 3<sup>rd</sup> St
- 315 Greenway Ave
- 311 Poplar St