

**AVONDALE BOROUGH
COUNCIL MEETING
SEPTEMBER 21, 2004**

COUNCIL MEMBERS PRESENT: Jay Pusey, Bob Cleveland, Jerry Poe,
Russ Kilmer, Fred Bryan Absent: Rose Ann Swift, Ann Bush

GUESTS PRESENT: Mayor Howell, Jim Marlowe, Lori Walmer, Joe Riper, Bill Romanelli,
John Langille, Rob Walters, Howard Thompson, Delores Lawless, Karen Busby, Bill Webb,
Shawn Carroll

President Pusey called the meeting to order at 7:30 P.M.

Fred Bryan made a motion to adjourn to an Executive Session at 7:33 P.M., 2nd by Russ Kilmer,
motion carried.

President Pusey called the meeting back to order at 8:07 P.M.

WILKINSON PROPOSAL

Mr. Wilkinson could not attend the meeting - Joe Riper gave the following report.

They are continuing to work to pull the plan together. One thing that they have requested is a meeting with DEP to talk about the approach dealing with the I & I and will try to schedule a meeting in the next week or two. We know there are some issues that need to be resolved between the Borough and the New Garden Township; it is really not our interest to get involved, except to say that we can be a solution to the problem. Mr. Wilkinson is offering to do a considerable amount of work and there has to be a way to benefit both sides. One of the parcels that was critical to them, they have learned they may not be able to get, which is causing a little bit of crimp in our development and we are trying to develop alternatives. We should have a definitive sketch by the next Council Meeting. We would like to meet with the Borough and New Garden Township to talk about solutions and alternatives because if Mr. Wilkinson is going to commit that kind of money, we have to make sure everybody is okay with it. A meeting was scheduled with New Garden Township, Avondale Borough, and Mr. Wilkinson for Thursday, September 30, 2004 at 5:30 p.m. at Avondale Borough Hall.

RESIDENT COMMENT/REQUEST/COMPLAINT

PHIL PUSEY USED EQUIPMENT SALES

The Secretary said that Technicon is still working on this issue. Council said they want a resolution to this matter and requested a letter from Technicon stating if the used equipment sales are or are not permitted.

TREE AT 522 PENNSYLVANIA AVENUE

The Secretary said tree has been removed.

CESSPOOL OVERFLOWING – CLAY CREEK ROAD

The Secretary said she called the Health Department and the cess pool has been cleaned. (DEP has given Mr. Waltz permission to tie-in to the Borough's sewer. Mr. Waltz paid the \$2,500.00 tapping fee and we are just waiting on a plan from the Contractor)

MILLER ENVIRONMENTAL REPORT

Joe DiMatteo reported on the Water and Wastewater Treatment Plant for August. The total monthly water production was 3,250,800 gallons with an average daily flow of 104,865 gallons. Total monthly water effluent flow was 17,763,000 gallons with an average daily flow of 573,000 gallons. Total monthly New Garden flow was 6,733,620 gallons. The unaccounted monthly wastewater flow was 7,778,580 gallons (43.8%). There was one (1) NPDES violation recorded within this reporting period. The violation was for exceeding the average monthly for ammonia nitrogen. As in the past, Miller Environmental attributes this single violation to elevated flows.

The following activities were reported for the WWTP for August:

- Installed tarp and tie downs to #1 Well House for temporary roof repair.
- Purchased 36" meter box, frame, riser and security lid casting along with compression fittings and valves to repair water leak on ¾" main at #3 Clay Creek Road. Miller Contractor set meter box with new copper setter and appropriate fittings and valves for #3 Clay Creek Road and provided water shut off valve to the five additional residents heading east on Clay Creek Road that are on this ¾" main.
- MEI Contractor excavated and repaired 2" water main at 606 Poplar Street on 8/18/04.
- Replaced curb box lid to water service at 18 Miller Drive.
- Submitted sampling for the Disinfection Byproducts Rule on August 12, 2004. Samples were taken at Shannon's Hair Salon on Gap Newport Pike. Awaiting results of samples.
- MEI Contractor repaired second water leak to Poplar Street water main on August 31, 2004. A 2" repair clamp was used for this pinhole leak in the main. It is again noted that the pipe is in poor condition.
- On August 1, 2004, lightning struck the Wastewater MCC Panel, which decommissioned both variable frequency drives units to the raw influent pumps and two other motor control center assemblies. Starter drives and coil assemblies along with a phase failure-monitoring relay were purchased immediately to get equipment back up and in operation. These expenses which are listed in the monthly maintenance should be reimbursed through the Borough's insurance.
- Performed weekly and monthly preventative tasks of lubrication and oil checks.

SMOKE TESTING

Joe DiMatteo said they tried to test the creek but the smoke would not pass through. Two sites were found that had stormwater going into the sewer system. They will be sent notices to divert their flows and Miller Environmental will follow up with a site inspection. (The smoke testing service was provided at no charge by the PRWA – the Borough paid for the liquid smoke used for the testing)

CAPITAL IMPROVEMENTS

Joe DiMatteo said Miller Environmental submitted their annual recommended capital improvements to the Borough and asked if there were any questions:

The following is what Miller Environmental recommends:

- Install an electrical service at the Avondale Reservoir to promote security and also maintain rainwater removal from the reservoirs floating cover.
- Locate water service valves at three major intersections within the Borough. Upon location of the valves, attempt to operate. Excavate and replace valves that do not operate as needed.
- Replace failing two-inch water main on Poplar Street.

There were no capital improvements recommended for the Wastewater System in lieu of the plant upgrade.

ENTECH REPORT

STATUS OF HENSON AND MAPLE STREET BLOCK GRANT

Walter Barcz said after the County's approval we will then be able to proceed into bidding the construction. Fred Bryan made a motion to publish the Invitation to Bid after the County's approval and to approve Task 012 for \$4,000.00, 2nd by Russ Kilmer, Jerry Poe-abstained, motion carried.

TREATMENT PLANT UPGRADE AND EXPANSION

Walter Barcz said the Notices of Award were sent out to Walabax and Monacacy. Walter said everything is up-to-date with the County, DEP and EPA funding agencies. PennVest loan is moving ahead but there is a huge amount of work involved, which Entech and Jim Marlowe is preparing.

FIRE COMPANY APPROVAL

Walter Barcz said on September 14th, Entech provided the final comments and everything seems to be in order. Shawn Carroll asked if the plans could be signed so they can be recorded. Jim Marlowe said under the law, the plans cannot be recorded until the financial security agreements have been signed. Mr. Carroll said New Garden has signed the plans. Mr. Marlowe there can be a problem if the plans are signed and recorded before the financial security agreements are in place. If the developer starts the development and the development goes south, then the Borough Council is personally liable for completing the improvements of the plan and Mr. Marlowe said he would rather not put the Borough Council in that position. Mr. Marlowe said when he completes the financial security agreements, he will approve the Letter of Credit and once they are signed, the Borough Council will be permitted to sign the plans. Mr. Carroll asked for a timeline. Mr. Marlowe said the financial security agreements are drafted and he can probably have them ready by the end of this week. Mr. Marlowe said he will let the secretary know when Council can sign the plans.

1 MILLER DRIVE – PRESSURE SEWER

Walter Barcz said he is waiting on a response from the Cummings on the choice of two types of pumps they want installed. Mr. Barcz will contact the Cummings.

STORMWATER MS4 REGULATIONS

Walter Barcz said he is working on supplying the Borough with a spec for the stencil. Walter said an Ordinance is required but is not needed until March's quarterly stormwater report to DEP.

2005 BLOCK GRANT

Walter said this is up-to-date and we are waiting on a decision from the County.

I & I MANAGEMENT PLAN

Walter Barcz said that DEP did respond and they are fine with the I & I Management Plan.

AVON MOHR SWALES

Walter Barcz said nothing has been done regarding the swales.

DEP CONSENT ORDER AND AGREEMENT

Walter Barcz said he has been keeping DEP updated on the progress of the treatment plant upgrade and expansion. Walter said he has \$7.00 left in the budget for Task 4 and asked Council for a budget increase of \$2,000.00. Russ Kilmer made a motion to increase Task 4 by \$2,000.00, 2nd by Bob Cleveland, Jerry Poe-abstained, motion carried.

APPROVAL OF FINANCIAL STATEMENTS

Russ Kilmer made a motion to approve the financial statements for August, 2nd by Bob Cleveland, motion carried.

APPROVAL OF BILLS TO BE PAID

Russ Kilmer made a motion to approve the bills to be paid for August, 2nd by Fred Bryan, motion carried.

APPROVAL OF MINUTES

Russ Kilmer made a motion to approve the minutes from the Council Meeting on August 17, 2004 and the Special Meeting on September 14, 2004 as written, 2nd by Fred Bryan, motion carried.

BOROUGH SOLICITOR REPORT**PENNVEST LOAN**

Jim Marlowe said he would like to have PennVest closing on December 1, 2004 and in order to get to that point all the Pennvest documents have to be completed. (a list was given to Council and Mr. Marlowe went over the list with Council) The DCED documentation has to be completed and approved by DCED before the funds can be released to Avondale.

SINKING FUND

Jim Marlowe said once the DCED approves, we need to have a sinking fund established in a bank. Jim said he called the People's Bank of Oxford that has been purchase by National Penn Bank and he was put on hold and gave up. Jim asked if anyone has a suggestion on a local bank to use. Fred Bryan suggested the Sovereign Bank. Russ Kilmer suggested First National Bank of

Chester County. Jim said he would contact both banks. Jim said the sinking fund is required because PennVest does not send Avondale the money, PennVest keeps it in its coffers. Once the contractors start work on the project, they are going to want to be paid. The Borough collects the invoices from the contractors and sends to PennVest a "payment request" with the invoices. Once PennVest gets the Payment Request and the invoices, they go on "the list" at PennVest. From the time a Payment Request (with invoices) is put on "the list", it usually takes three weeks for a Payment Request to get to the top of "the list". PennVest reviews Payment Requests once they get to the top of "the list" and Payment Requests are put on "the list" in the order in which they are received by PennVest. It takes two weeks between the time PENNVEST reviews the Payment Request and the date it authorizes payment. After this two week period, PENNVEST sends or wires the Money to the Sinking Fund Depository Bank.

CONSENT ORDER AND AGREEMENT DRAFT

Jim said he has heard nothing from DEP.

ORDINANCE #207 – THIRD STREET PARKING

Russ Kilmer made a motion to adopt Ordinance #207, 2nd by Bob Cleveland, motion carried.

PROPOSED ORDINANCE #208 – GUARANTEED REVENUE BOND

Russ Kilmer made a motion to advertise proposed Ordinance #208, 2nd by Fred Bryan, motion carried.

BOXLER PROPERTY

Jim said a conditional use and occupancy permit was issued. The Boxler property was purchased by Rob Walters.

PRESBYTERIAN CHURCH ZONING HEARING

Jim said he sent a letter on August 19, 2004 to Zoning Hearing Solicitor, Tim Knauer stating that on August 17, 2004, Borough Council voted to take "no position" on the application. Jim said he also mentioned to him that the Borough Council was aware that additional relief may be necessary.

MAYOR'S REPORT

Mayor Howell gave the following report:

COMPOSTING GRANT

We still have not received the money for the tractor. DEP has lost our application for funding twice, but the money is coming.

WHITE CLAY CREEK RESTORATION PROJECT

We are moving along with the project and they have received a one-year extension on the project because of the bad weather and permitting issues.

DCED GRANT

The Borough has been awarded the \$10,000 for carpet in the Borough Hall and electricity to the maintenance building.

FALL FESTIVAL – OCTOBER 16, 2004

The fall festival preparation is going great. They have 72 vendor tables and have received many donations from local businesses.

FINANCE COMMITTEE

Bob Cleveland said he spoke to the Treasurer regarding the budget for 2005 and she will have everything prepared by the end of September.

PERSONNEL COMMITTEE REPORT

Bob Cleveland gave the following report:

The design for the new Borough Web Page is progressing. Hopefully, the page will be up and running by the end of October. If Council has any input as to the content, please let Becky know by the 1st of October.

STREETS COMMITTEE REPORT

Bob Cleveland gave the following report:

OLD BUSINESS

1. On July 22nd, the Avondale Fire Company attempted to clear the storm drains. Several drains were cleared, most were not. There was a mis-communication between Dominick and the Streets Committee and all the drains had not been cleaned. After consulting with Dominick, all the drains have now been cleaned and the Streets Committee will contact the Avondale Fire Company to pressure clear the storm drains. The Fire Company was contacted on 24 Jul 2004. No date yet set to clear the storm drains.
2. Council received a letter from PENNDOT regarding the State Street Bridge. The horizontal clearance signs need to be reset per standards, and the deteriorating concrete deck needs to be repaired. Council has one year to comply. No action yet taken by the Streets Committee.
3. A member of the Avondale Presbyterian Church, has asked if the Borough will be repairing Pomeroy Avenue by filling-in the potholes. Stone has been ordered to repair Pomeroy in time for the Fair in October.
4. Several residents of Poplar St. have complained about the condition of Thompson St. and Maple St. which are full of potholes and fastly eroding. The potholes have been repaired with cold patch.
5. Complaint from a resident on Indian Run Road regarding a low area, on park ground, across from Miller Drive. The problem is being caused by the school bus making a wide turn. Stone was added to the low area.

NEW BUSINESS

1. Abandoned/Expired/Inoperable Vehicles: There are currently 9. Letters were sent to the residents by Becky, and several were submitted to Technicon since a number of the property owners have not responded.....several in 6 weeks.
2. Council agreed at a Special Meeting to not spend \$ 25,000 to tar & chip specific Borough streets do to lack of funds.
3. Complaint from a resident regarding Keating Alley: stone is needed to fill potholes. Stone has been ordered and the Alley will be done at the same time Pomeroy Avenue is done.
4. Complaint from a resident regarding two inoperable vehicles at 300 Chatham Street. These vehicles are addressed in the 9 total previously mentioned in Item # 1.

PUBLIC SAFETY COMMITTEE REPORT

Russ Kilmer gave the following report:

CARS FOR SALE IN BANK PARKING LOT

Technicon has issued the owners a Cease and Desist Order and if the cars are not removed by October 4, 2004, they will be going to Court.

MEETING REQUEST FROM CHIEF SHELLER

Chief Sheller has requested a meeting with members of Borough Council in early October. Russ will set up a meeting.

WATER AND SEWER COMMITTEE MEETING

Jerry Poe gave the following report:

NEW GARDEN MEETING

We will meet with New Garden as soon as the date and time is finalized. Russ Kilmer said he wanted to state that we have had two meetings scheduled with them and they did not show up for one and they cancelled the other meeting, so we have been trying our best to have a meeting.

WATER LEAK ON POPLAR STREET

The two water leaks have been repaired.

CHANGE OF WATER AND SEWER CONTRACTOR

As far as Jerry knows, we are going to stay with Fritz Gaebel.

PROPERTY AND EQUIPMENT COMMITTEE

Fred Bryan gave the following report:

CHURCH STREET LOTS

Dominick will clean the lots when he has time.

COMPOSTING AREA UPDATE

Dominick did a fantastic job cleaning up the composting area and a lock is on the gate.

WEEDS AT 210 NEW STREET

The secretary said the weeds have been cut.

EARNED INCOME TASK

Russ Kilmer said we should get an update from Berkheimer from the list that we sent them. The secretary will call Berkheimer for an updated list.

PARKS COMMITTEE

Rose Ann Swift was absent from the meeting – no report.

OLD BUSINESS

LONDON GROVE RUN OFF AT MILER DRIVE

The Secretary said she spoke to the owner, Clint Heffner and he said he has the plans and would drop them off to be copied. Russ said we need to get this matter resolved. The Secretary said she would keep trying.

DI FONZO'S TREE

The Secretary said the tree surgeon (Matlack Tree Service) inspected the tree and he recommends the tree to be removed at a cost of \$2,166.00. Technicon said there is nothing in the codebook that requires the owner to remove the tree. John Botkin's tree (412 Pennsylvania Avenue) that was removed and paid for by the Borough in January was also discussed. Russ Kilmer said there has to be a way to make the homeowner's maintain their trees besides the Borough taking care of the trees and liening the property. Jay Pusey suggested taking the issue to small claims court. Jim Marlowe said he may have a sample ordinance to cover maintenance of trees and will send it to Council for their review.

NEW BUSINESS

KEVIN NOVOTNY'S RESIGNATION – SECCRA BOARD MEMBER

Russ Kilmer made a motion to accept Kevin Novotny's resignation, 2nd by Bob Cleveland, motion carried.

APPOINT LENEY BRYAN – SEECRA BOARD MEMBER

Russ Kilmer made a motion to appoint Leneey Bryan as the SECCRA Board member, 2nd by Jerry Poe, Fred Bryan-abstained, motion carried.

SIGNAL SERVICE CONTRACT RENEWAL

The Secretary said there is no increase from last year (\$850.00). Russ Kilmer made a motion to approve the contract, 2nd by Jerry Poe, motion carried.

TRICK OR TREAT NIGHT

Council approved trick or treat night for Sunday, October 31, 2004 from 6-8 p.m. Halloween Alley Parade starts at 5:30 p.m.

PUBLIC COMMENT**HAROLD BROWN**

Mr. Brown asked what the status is on the Lena Horton Property. Jim Marlowe said the property has been acquired by Mr. Poe. Mr. Brown said this is a conflict of interest because he is the Chairman of the Water and Sewer Committee, he helped to put a lien on that property, and it is not fair to put a lien on the property, then go and buy it. Mr. Marlowe said that does not mean that the lien disappeared and the Borough Council is taking that entire issue under advisement.

HOWARD THOMPSON

Mr. Thompson said he would like to encourage Borough Council to try to resolve the \$67,000 loading bill we have with Miller Environmental. There are members of Council who want to leave sleeping dogs lie, but that dog can wake up and bite you one of these days, so he strongly encourages Council to resolve the matter.

DELORES LAWLESS

Ms. Lawless asked who governs the Borough Council and who governs the legal Council as far as conflicts of interest. Jim Marlowe said the State Ethics Commission governs all elected officials.

ROB WALTERS

Mr. Walters said he wanted to voice his concern over the lack of building inspection for commercial property, Mr. Walters said he bought the Boxler property and the commercial part of the building was not required to go through inspection. He said if there is a required inspection of commercial space he could of saved a lot. He would like to suggest, if possible, to have commercial properties inspected before settlement.

Russ Kilmer made a motion to adjourn the meeting at 9:55 p.m., 2nd by Bob Cleveland, motion carried.

Respectfully submitted,

Becky Brownback
Borough Secretary

