

**AVONDALE BOROUGH
COUNCIL MEETING
APRIL 20, 2004**

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

GUESTS PRESENT: Dottie Howell, Walter Barcz, Joe DiMatteo, Phil Guinta, Jim Marlowe, Lori Walmer, Mike Hallman, Bob McCue, Bill Webb, Phil Pusey, Danny Pusey, AJ DeJoseph, Mark Padula, Terry O'Conner

President Pusey called the meeting to order at 7:30 p.m.

MILLER ENVIRONMENTAL REPORT

Joe DiMatteo reported on the water and wastewater treatment plant for March. The total monthly water production was 3,242,000 gallons with an average daily flow of 104,580 gallons. Total monthly effluent flow was 14,141,000 gallons with an average daily flow of 456,000 gallons. Total monthly New Garden flow was 5,156,610 gallons. The unaccounted monthly wastewater flow was 5,742,390 gallons (40.6%). There were two (2) NPDES violations recorded within this reporting period. The violations were for exceeding the average monthly concentration and the average monthly loading for ammonia nitrogen.

The following activities were reported for the WWTP for March:

- Shut off water service at 100 Pomeroy Avenue
- Purchased additional water supplies needed for repairs to valve boxes, curb boxes and water leaks.
- Read meters for quarterly billing
- Investigated high readings at 91 Pennsylvania Avenue – found no problem with meter or remote.
- Installed new meter and register at 605 Poplar Street
- Completed consumer confidence report.
- Completed lead and copper sampling plan.
- Marked PA-One Calls at State Street and First Avenue, 14 Miller Drive and 410 Gap Newport Pike.
- Installed replacement curb box lids at 107 Chatham, 203 Chatham, 203 New Street and 15 Second Street.
- Miller contractor excavated for a water leak at 215 Pennsylvania Avenue on March 23, 2004. Excavation from curb to main indicated a leak to the service line approximately 6 inches from curb box. Installed new corporation valve at main, 8' of service line copper and new curb box to complete repair. Road surface restoration will be completed in April 2004.
- Lowered 4" valve box on Church Street across from Strip Mall due to traffic concerns.
- Performed quarterly calibration to the New Garden flow meters.
- Responded to sewage blockage at 521 Henson Street, plunged clean out found problem to be in sewer lateral, resident having plumber clear the line.
- Performed weekly and monthly preventative tasks of lubrication and oil checks.

INFILTRATION & INFLOW FIND

Joe DiMatteo said after double-checking manhole #3 by plugging the upstream line, the infiltration is actually coming across the White Clay Creek side instead of the Indian Run side. The estimated amount is 10 gallons per minute of infiltration. Mr. DiMatteo said there are buried and not located manholes by Route 41 and he suggested that this section of the sewer main be reviewed upon Entech's course of action when addressing the collection system's infiltration and inflow plan.

PROCEDURE FOR WATER SHUTOFF REPAIRS

Jay Pusey said Thomson's Candies had their water shut off without any notice and it was one of their busiest days of the year. Joe DiMatteo said there were attempts made by knocking on the door but nobody answered. Russ Kilmer said there should have been attempts made prior to the day of shutting off the water, not the same day. Mr. Kilmer said there should be a procedure for emergency and non-emergency water shut offs. Mr. DiMatteo said he will develop a written procedure for future shut offs and forward it to Council.

ENTECH REPORTSTATUS OF BLOCK GRANT

Walter Barcz said Entech is in the process of receiving permits from PennDOT and the Erosion and Sediment Control process has been completed.

STATUS OF PLANT UPGRADE

Walter Barcz said he has been following through with Mr. McTish's letter requesting a pre-bid review of the plans.

STATUS OF GROWING GREENER GRANT AGREEMENT

Fred Bryan made a motion to approve the President of Council to sign the agreement, 2nd by Jerry Poe, motion carried.

REVITALIZATION GRANT AGREEMENT

Fred Bryan made a motion to approve the President of Council to sign the agreement subject to the clearances from the Borough Solicitor and Entech, 2nd by Russ Kilmer, motion carried.

REVIEW OF FIRE COMPANY'S PLAN

Mark Padula from Register's said that he sent the fire company's revised plans to the Borough Solicitor and Walter Barcz for their review. Mr. Padula said they have addressed all the Borough's comments and are waiting on reviews from all Agencies. Mr. Barcz said he has not yet received the plans, but will review them as soon as he receives them.

1 MILLER DRIVE – PRESSURE SEWER

Walter Barcz said he needs to make arrangements with the homeowner to do some inspections inside.

STORMWATER MS4 REGULATIONS

Walter Barcz said Michael Daschbach, Vice-President for Entech sent Council a letter stating that he is aware of the Borough's financial difficulties and he is concerned that Avondale does not move ahead with the new Stormwater Regulations, the Borough could be subject to fines. Mr. Barcz said that Entech is offering delayed invoicing until the Borough receives reimbursements from grants in connection with the WWTP expansion. Council discussed this issue and Russ Kilmer made a motion to have Entech proceed with the Stormwater Regulations with delayed invoicing, 2nd by Fred Bryan, motion carried.

CHAPTER 94 REPORT

Walter Barcz said the Chapter 94 Report was prepared and submitted by the March 31st deadline. The total cost was \$2,600 compared to the estimate of \$3,900.

PERMIT FEES FOR WASTEWATER TREATMENT PLANT CONSTRUCTION

Russ Kilmer made a motion not to charge the contractor's permit fees, 2nd by Fred Bryan, motion carried.

NEW BLOCK GRANT

Jerry Poe said he attended a meeting last year with the Department of Community Development and they were asking for a five-year plan to be included with the new block grant application. Council members will send their suggestions for the five-year plan via e-mail to Mr. Barcz. Fred Bryan made a motion to approve Entech to move forward with the block grant application, 2nd by Jerry Poe, motion carried. Walter Barcz said after he receives input from Council he will work on preparing an application and plan and have it submitted by the June 2, 2004 deadline.

TASK 0003 – FINANCIAL AID BUDGET

Walter Barcz said there is \$447 left in the Financial Assistance budget and asked Council for a \$5,000 increase. Jerry Poe made a motion to approve the increase, 2nd by Russ Kilmer, motion carried.

APPROVAL OF FINANCIAL STATEMENTS

Ann Bush made a motion to approve the financial statements for March, 2nd by Jerry Poe, motion carried.

APPROVAL OF BILLS TO BE PAID

Russ Kilmer made a motion to approve the bills to be paid, 2nd by Rose Ann Swift, motion carried.

APPROVAL OF MINUTES

Jerry Poe made a motion to approve the minutes from March 16, 2004, 2nd by Ann Bush, motion carried.

ZONING OFFICER'S REPORT

The Zoning Officer was on vacation - no report was sent in time for the meeting – a report will be sent via fax tomorrow.

BOROUGH SOLICITOR REPORT

LENA HORTON PROPERTY

Jim Marlowe said he found out from the Tax Claim Bureau that we can affect service on the heirs or successors of Lena Horton by publication and this will drive the Tax Claim Bureau to take it to Sheriff's Sale in September. Mr. Marlowe said once the property sells, the Borough will get the money back spent on advertising and legal fees. Council approved Mr. Marlowe to move forward with the advertising.

LONDON GROVE TOWNSHIP – STORMWATER RUNOFF – AVON MOHR

A letter was received from Manager, Steve Brown that states that LGT is not obligated to resolve this matter but that it is up to the property owner. Jim Marlowe said LGT should be responsible for stormwater generated in their municipality and its disposition and if they don't, this is a violation of the Stormwater Management Act. Mr. Marlowe said he would contact the new property owner to try to resolve this ongoing issue.

CONSENT ORDER AND AGREEMENT

Jim Marlowe said he has heard nothing from DEP regarding the CO & A, but he understands that DEP is still working on it to include I & I in the documents. Walter Barcz said he spoke to Jessie Goldberg from DEP and they are satisfied by the Borough's progress with the upgrade.

UNIFORM STATEWIDE CONSTRUCTION CODE

Jay Pusey said Council will meet with Technicon next week to go over the rules and regulations of the construction code. Council will also address some other concerns regarding overcrowding and issues that were not followed through.

PUSEY ZONING VARIANCE

Jim Marlowe said the Borough's Zoning Hearing Board granted Mr. Pusey a variance to put up two sheds in the Flood District. Mr. Marlowe said at last months meeting, he said he wanted to do some research to see if Mr. Pusey needed to go before Borough Council and get relief from Ordinance #199. Mr. Marlowe said after doing the research, he found that Mr. Pusey does not need to get Council's relief from Ordinance #199. Council did not need to take any action.

ADOPT RESOLUTION #04-03-01 – INCREASE WATER AND SEWER RATES

Russ Kilmer made a motion to approve Resolution #04-03-01, 2nd by Jerry Poe, motion carried.

JOHN BOXLER INSPECTION – 89 W. STATE STREET

Jim Marlowe said Mike Schultz from Technicon did an inspection for the sale of the property and they found some real problems with the building. Mr. Marlowe said Rob Walters from the Travel Agency located in the Boxler's building called him and said he had a real problem because he has an agreement of sale with Mr. Boxler. Mr. Walters had his own inspector come in major problems with the foundation were found. The structural engineer reported that the building is in major repair of structural repair about \$250,000. Mr. Schultz said Technicon can issue a Use and Occupancy Permit based on the residential portion but they do not want to because it puts Technicon on the line knowing that there is structural damage and other violations in the commercial part of the building (two apartments are upstairs, travel agency and

lawyer's office downstairs) Mr. Marlowe said he told Mr. Schultz that he would be within his rights to deny the U & O permit based on any of the Codes. Technicon will make their decision on whether to grant the U & O.

MAYOR'S REPORT

COMMUNITY SERVICE THROUGH GENERAL MOTORS

Mayor Howell said Avondale is still on the waiting list and they will contact her when they have people available.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT GRANT

Mayor Howell said she applied for a \$10,000 grant for electrical work for the maintenance building and to replace carpets in the Borough Hall.

EASTER EGG HUNT

Mayor Howell said the Easter Egg Hunt went well and about 50-60 children attended. Prizes were donated by local businesses and given to each child.

OPEN HOUSE – REVITALIZATION OF AVONDALE

Mayor Howell said an open house was held in the Borough Hall on April 19th for Borough residents to review design concepts being developed along Pennsylvania Avenue. Mayor Howell asked Council to review the plans and offer any comments or suggestions.

FINANCE COMMITTEE

Ann Bush said Vince Barbone finished the draft audit he would like to set up a meeting to review it. No meeting was set up at this time – Ann Bush said she would set up a meeting and notify Council.

STREETS & STREET LIGHTS COMMITTEE

Bob Cleveland gave the following report:

OLD BUSINESS

1. There are a number of NO PARKING and STOP signs needing to be straightened. Dominick is working on these.
2. Water is being discharged onto E. 2nd Street eroding the street. Two properties are responsible: 203 New Street and 222 2nd Street. The information was given to Technicon. No action as of this report.
3. Water is being discharged onto Thompson causing the street to “buckle.” It has been determined that water is coming from both 601 and 604 Poplar Street. The information was given to Technicon in February and they were to contact residents by letter.
4. Of the 24 untagged/lapsed inspection/inoperable vehicles in the Borough, 5 are remaining. Photo's of all the vehicles are on file.
5. Several residents of E. 3rd Street are requesting that Council ban tractor trailers from traveling on E. Third Street. There have been several incidents where tractor trailers have “cut the corner short” and run over a resident's lawn leaving deep ruts. The Streets Committee met, at Borough Councils request, regarding this matter and they recommend that “No Trucks/Except

for Local Deliveries” signs be posted on W. Third Street. Council agreed with the recommendation and the secretary will order the signs.

6. A number of streets have “blow-outs” (heaving) specifically:
 - E. Third Street just off Church Street
 - Morris Street at it’s intersection with Third Street.
 - Thompson Street (numerous)
 Dominick will temporarily fix these areas with #3 stone and cold patch with the exception of E. Third Street which is beyond repair.

NEW BUSINESS

1. There was a water leak on Pennsylvania Avenue at Thomson’s Candies on March 20th. Repaired on March 22nd. Homeowner request that, in the future, it would be “decent to notify residents when their water is being shut off. Especially if it happens to be a business. Resident also complained that when the street was repaired, 2nd Street was blocked during her busiest day of business. [Good Friday] Resident also wants her front lawn repaired and returned to its original conditions. The Street’s Committee spoke with Phil Guinta about the situation and the situation will be rectified.
2. Committee met, at Borough council’s request, regarding truck traffic on W. Third Street.
3. Committee met at Borough Council’s request, regarding John Conner’s request that the Borough extend Keating Alley and additional 27 feet to his property line in order to provide off street parking. The Street Committee recommends that the Borough not seize and condemn 27 feet of the Earl and Ruth Wright property in order to extend Keating Alley as the committee feels that the matter would be best settled between the two property owners without interference from the Borough. Council agreed with the recommendation and the secretary will write a letter to the Wright’s and John Conner.
4. Clean up day for compostables: April 19th and May 3rd. The information was disseminated in the Borough Newsletter.
5. Resident complaint that the street light at the corner of Pomeroy and Third Street was out. The electric company was called and repaired on April 14. On April 15th, the resident stated that the light was still out. The Borough Secretary will again notify the Electric Company
6. Water is still being discharged for both 601 and 604 Poplar Street onto Thompson Street creating the buckling of both Thompson Street and Maple Street. In February, Technicon was advised of these problems, and reported to the Borough that “no further action was taken”. On April 15, Technicon was again advised of the problems. Dominick is unable to patch these two streets until the water problem is fixed.
7. On either May 8th or May 15th, Avondale Boy scout Troop #191 will do some cleanup on Church Street near the Wawa area. The Troop is requesting permission to use the Borough truck and some orange cones for safety reasons. Council will discuss the use of the Borough truck in the executive session after this meeting.
8. Water is being discharged onto Chatham Street from both 302 and 306 Chatham Street flowing down to the intersection of Chatham Street and First Street and undermining the street at that intersection. Letters were sent to residents.

PUBLIC SAFETY

POLICE COVERAGE - ADDITIONAL HOURS PER WEEK

Russ Kilmer said so far this year, the police have brought in \$6,539.25 for fines. They have been paid \$7,200.00, so the police have only cost us \$660.75 so far this year. Mr. Kilmer said Chief Sheller called about increasing the hours for May and Mr. Kilmer said he had to make a decision and has increased the hours by eight per week for May. Mr. Kilmer said last year, the hours were increase at this time and we found that extra police coverage in the summer was worth the effort.

ENGINE RETARDER ENFORCEMENT

Russ Kilmer said he received complaints from residents about the truckers using their “jake brakes” on Pennsylvania Avenue. Chief Sheller has included two overnight shifts in May to enforce this ordinance.

EMERGENCY MANAGEMENT COORDINATOR

Russ Kilmer said Michael Hallman has completed all the requirements for emergency management and the County gave him a plaque for this certification. Council thanked and congratulated Mr. Hallman.

PROPERTY AND EQUIPMENT COMMITTEE

ENCROACHMENT AT THE WWTP PROPERTY

The secretary said she spoke to the owner and the proposed new owner of Avondale Gardens about the encroachment and gave them a copy of the plan so they are aware of the situation.

AIR COMPRESSOR

Fred Bryan said per the request of Dominick DiFilippo, he is looking into a 4 or 6 horsepower air compressor so the equipment can be better maintained.

PARKS COMMITTEE

Rose Ann Swift gave the following report:

1. Port a Potty – must go: costs too much to maintain. The port a potty was moved by the flood into someone’s back yard and the door is off of it. The secretary said she has made several phone calls to McGovern to pick it up and they have not yet done so. Ann Bush said she would call McGovern’s because she does business with them. The cost of the port a potty is \$100.00 per month . Russ Kilmer made a motion to discontinue renting it, 2nd by Ann Bush, motion carried.
2. Trees & Branches – down near apartments; tree cut up into logs and left in soccer area, which was then moved to baseball outfield. Bob Cleveland said Dominick told him that he would remove the trees and branches.
3. Nasty words all over play equipment. Dominick to address.
4. Tables have been moved to outfield of baseball area. Dominick to address.
5. Trash is everywhere; trash cans are not being used and are in poor shape. Nothing was resolved, it was tabled until next month.

6. Wooden picnic table and branches need to be removed from Pomeroy Park. Dominick to address.
7. Applying for more money for the park areas with park grants. Russ Kilmer said the new park equipment and picnic tables that were put in last year through the \$90,000 grant was destroyed. Mr. Kilmer said we shouldn't put anymore money into the park until the people destroying the equipment stop. Rose Ann Swift said she would contact the apartment owner to see if there is something he could do to get the residents to clean the park.

EARNED INCOME TASK COMMITTEE

The following report was given by Jay Pusey:

The Earned Income Task Committee met on Thursday, April 8, 2004 to review the questionnaire returned by the Borough Property owners. The committee reviewed the forms street by street, and provides the following information:

1. All but approximately 20 questionnaires have been returned. The Borough Secretary has sent 2nd notice forms to those not received.
2. The committee cross-checked each name on each questionnaire with the current [July 2003] tax list provided by Berkheimer Associates and found 174 individuals not included on the Berkheimer tax list.
3. An updated tax list was received from Berkheimer last week, and the committee will meet to again cross check individual names. After checking, the committee will request the Borough Secretary to remit the list of names to Berkheimer in order that Earned Income Tax forms may be sent to the individuals. Some individuals will also be receiving forms for 2001, and 2002.

OLD BUSINESS

PUSEY PROPERTY LAND DONATION

Bob Cleveland said he wanted to know how this land donation will benefit the Borough, because we are having a hard time maintaining the land we now own. Jerry Poe said his perspective is that the Borough can control what happens to it if we own it and all we have to do is cut the field. Dottie Howell said LGT is putting infiltration berms on top of the hill and we all know infiltration berms do not work. This property will give us the availability to create a buffer between the housing development and Avondale's creek. Russ Kilmer said he doesn't think it will cost that much to maintain it and he thinks it is a worthwhile project. Russ Kilmer made a motion to accept the land donation, 2nd by Jerry Poe, Bob Cleveland-opposed, Jay Pusey – abstained, motion carried. Jerry Poe said we as Council ought to thank Phil Pusey for the opportunity and the benefit that he is giving the land to us. Council thanked Mr. Pusey.

MUNICIPAL CO-OP REPRESENTATIVE

Bob Cleveland said he spoke to Dominick DiFillippo about going to the meetings and he said if Council required him to go, he would. Mr. DiFilippo said it is useless because the prices are predetermined and the Borough does not use that much material. Russ Kilmer said he thinks that we should participate because we never know when the co-op will benefit the Borough. If we

don't support our surrounding communities then how can we expect them to support us. Mr. Cleveland will ask Mr. DiFilippo to attend.

INDIAN RUN ROAD QUARRY

Russ Kilmer said every time the creek floods the wall of the quarry breaks through and there is a four or five foot wide by 10 foot long hole that goes off the edge of the road that you can fall right down into and Dominick has to take stone and fill it in. Mr. Kilmer said he really doesn't know what to do with it, it is probably eroding the road. Mayor Howell said the fence around the quarry needs to be fixed. Russ will meet with a fence company and get a price on fixing the fence.

WATER RUN OFF AT 6TH STREET

The secretary said she sent a certified letter to London Grove Township regarding this issue and there has been no response. The Streets Committee will look into this matter and make a recommendation to Council.

SIGNAL SERVICE REQUESTS

The secretary said it would cost about \$2,000.00 to do the line painting at the intersection of Route 41 and Baltimore Pike. This issue was tabled until the Borough has money in the budget.

RESIDENTS LIVING IN BASEMENTS

Russ Kilmer said Technicon was notified that there are two places with people living in their basements and they haven't done anything about it yet. Jim Marlowe said the Code Enforcement Officer can knock on the doors and if they let him; we got it made, if not, then the Codes Officers will need to get an administrative search warrant. Mr. Kilmer said his understanding is that Technicon doesn't want to do that. This issue will be discussed with Technicon next Tuesday.

AVONDALE FIRE COMPANY INSURANCE COMPANY

The secretary said Robert Hall from Francis Hall Insurance would like to set up a meeting to discuss his proposal. Bob Longley would like to attend the same meeting. The secretary said she will set up the meeting.

NEW BUSINESS

PENNSYLVANIA RURAL WATER ASSOCIATION

The secretary said back in 2000, the PRWA came to Avondale for a couple of days to do a leak detection survey but no leaks were found. The secretary said they are willing to come out again and do another survey sometime in June at no cost to the Borough. Council agreed to do the survey and the secretary will set up the appointment.

PUBLIC COMMENT

TERRY O'CONNER – 4 N.WILLIAMSON ROAD

Terry O'Conner said his concern is that he has a next-door neighbor that constantly parks their vehicles on the sidewalk and in their yard. The problem is that his children can't walk on the

sidewalk for the vehicles parked there so they have to walk in the road, which is not safe. Mr. O'Conner said there are also a lot of people living there and it looks like they are running a boarding house because there an excessive amount of changing vehicles and he doesn't feel safe not knowing who is coming in and out of the property. The Public Safety Committee will speak with Technicon and the Parkesburg Police and try to address this issue.

ANNOUNCEMENTS

President Pusey announced that there will be an executive session following this meeting to discuss legal matters

Jerry Poe made a motion to adjourn the meeting at 10:10 p.m., 2nd by Rose Ann Swift, motion carried.

Respectfully submitted,

Becky Brownback,
Borough Secretary