

**AVONDALE BOROUGH
COUNCIL MEETING
DECEMBER 13, 2005**

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

GUESTS PRESENT: Lew Christy, Mike Short, Patrick Harrison, Harold Brown, Howard Thompson

After the Pledge of Allegiance, President Pusey called the meeting to order at 6:30 P.M.

MILLER ENVIRONMENTAL REPORT

Mike Short gave the following report:

Monthly Water Production - 3,155,700 gallons / average daily flow – 105,190 gallons

Monthly Effluent Flow – 14,151,000 gallons / average daily flow – 472,000 gallons

New Garden Flow – 2,731,950 gallons / average daily flow – 97,570 gallons (11/2/05 to 11/30/05)

Unaccounted Monthly Wastewater Flow – 8,263,350 gallons (58.4%)

The following activities were reported for the Water and Wastewater Treatment Plant:

- Shut water off to the new Dunkin Donuts store on PA Ave so contractors could install a new 1” water meter provided by Miller Environmental.
- Gaebel Construction repaired a water leak at 3 Clay Creek road on 11/16/05
- Performed 5 Borough water action forms through out the Borough
- Performed 2 PA One Calls through out Borough.
- Sampled for volatile organic compounds at the #1 well according to DEP regulations
- Performed weekly and monthly preventative maintenance tasks of lubrication and oil checks
- Continued adding air into the sludge holding tank as requested by the Department of Environmental Protection (DEP).
- Installed a new high-level alarm probe in the influent wet well.
- The second utility pole inside the plant fell over due to the electrical contractor digging a trench to close to the pole. Called Vietri Electric to come in and put the pole back up.
- On 11/10/05, the DEP gave the wastewater plant a Compliance Order to maintain adequate aeration of cell A and B so that the dissolved oxygen level is at least 2.0 mg/l.
- Excelsior Blower Systems were called and came to the plant along with an Entech representative to look at the blowers and air distribution systems.

ENTECH REPORT

Walter Barcz gave the following report:

HENSON AND MAPLE STREET PROJECT

We are at the point with this project where we will do a final walk through and take care of any punchlist items. The County is holding a 5% retainage until they give their final approval.

WALABAX PAYMENT #11 & MONACACY PAYMENT #5

Fred Bryan made a motion to approve Walabax payment #11 for \$203,328.14 and Monacacy payment #5 for \$122,989.86 upon receipt of grant money, 2nd by Russ Kilmer, motion carried.

ONE MILLER DRIVE

Waiting on contractor to give estimate and will have a proposal for the next Council meeting.

TEMPORARY DIFFUSED AIR – DEP ORDER

A Cells are in the most need of air. Entech has found a supplemental blower available on a rental basis to address what DEP Ordered. The cost is \$1200 per month for three months. Other costs will include mechanical installation and electrical accommodation. Details and pricing remain to be developed; at this point it appears the costs will be approximately \$20,000. Entech needs to get Walabax in agreement to do the mechanical work to set the blowers and install the piping and we need to get Monacacy in agreement to get the power to the blowers. Walter said that George Smith from Miller Environmental is concerned about the additional electricity that will be generated from the 11 ½ hp motor and he will look into the additional cost of the electricity. The Borough will have to come to some agreement with Miller Environmental to pay for the additional cost to run the blowers. Russ Kilmer made a motion to approve the temporary air for \$20,000 with the stipulation that we get an agreement with Miller Environmental for the additional electric, 2nd by Jerry Poe, motion carried.

SCHEDULE TO DEP

President Pusey said he received a call from Steve O'Neil at DEP and he is requesting a written schedule of when the blowers will be installed. Walter said he will provide the schedule.

WWTP LIASON

Howard Thompson gave the following report:

Made a visit to the site on December 5th and took some pictures. The equipment inside the reactor and pump house is in place. A lot of the electrical and plumbing work is done in the electrical and disinfection building and the disinfectant utility and post aeration building.

FINANCE COMMITTEE

Fred Bryan gave the following report:

2006 BUDGET

The 2006 budget was advertised for the ten day public review period.

PROPOSED TAX ORDINANCE #212

Fred Bryan made a motion to approve to advertise proposed Tax Ordinance #212, 2nd by Jerry Poe, motion carried.

APPROVAL OF BILLS TO BE PAID

The Finance Committee reviewed the bills to be paid and recommend that Council approve them. Fred Bryan made a motion to approve the bills to be paid, 2nd by Bob Cleveland, motion carried.

APPROVAL OF FINANCIAL STATEMENTS

The Finance Committee reviewed the financial statements and recommend that Council approve them. Fred Bryan made a motion to approve the financial statements, 2nd by Pat Longen, motion carried.

APPROVAL OF MINUTES

Russ Kilmer made a motion to approve the minutes from the Council Meeting on November 15, 2005 and the Special Council Meeting on November 29, 2005, 2nd by Bob Cleveland, motion carried.

ZONING OFFICER'S REPORT**REVIEW REPORT**

Russ Kilmer said there are too many repeat offenders. The Borough is paying the Zoning Officer to go back and address the same issue all over again and we need to start fining these people. The Secretary will speak to the Zoning Officer about this issue.

RENTAL ORDINANCE

Bob Cleveland said he has a problem with the last paragraph of section 4D, where it states that “no search warrant is required if an imminent danger to health and safety exists, or the Code Officer has probable cause to believe that a dangerous conditions exist and an inspection is required to determine if an imminent danger to health or safety exists.” Mr. Cleveland said he has a problem with “probable cause” and what “probable cause” is. He said he is not comfortable with the fact that the Code Enforcement Officer can get an administrative search warrant and go inside someone’s house because a neighbor complained. Russ Kilmer said the Code Officer has to request a warrant from a judge, and the judge is going to make the decision if the officer has probable cause. This matter was tabled until Council can discuss this issue with the Solicitor.

MAYOR'S REPORT

Mayor Howell gave the following report:

WHITE CLAY CREEK RESTORATION PROJECT

The project is complete and the final report was sent to the DEP.

TREE LIGHTING

The tree lighting took place on Saturday, December 10th and it was a success with about 50 people attending.

STREET & STREET LIGHTS COMMITTEE

Bob Cleveland gave the following report:

OLD BUSINESS

1. Council received a letter from PENNDOT regarding the State Street Bridge. It has been determined that the ownership of the State Street Bridge rests with the Borough. The Borough Solicitor and the Borough Engineer are formulating a procedure to follow regarding the maintenance issues and obligations.
2. The parking spaces at Avon News have not yet been installed due to the weather.
3. The Borough Engineer is currently formulating a cost and scope of work study for a “no trucks” restriction on Chatham Street between 1st and 3rd streets.

NEW BUSINESS

1. There are currently 6 known Abandoned/Expired/Inoperative vehicles in the Borough. Letters were sent to the residents.

2. The Borough manholes are currently being located, labeled, and annotated on a collections system map. Weather has slowed the process.
3. Additional Salt was ordered, and received in anticipation of the weather.

WATER AND SEWER COMMITTEE

Russ Kilmer gave the following report:

WATER METERS

The Committee will work on replacing some old meters and getting prices on new water meters.

WATER LEAK – 405 MAPLE STREET

A family came to the Water and Sewer Committee Meeting and requested more time on their water and sewer bill because they had a broken pipe under their trailer. The Committee granted them the time extension and an easement on the sewer cost because the water didn't go into the sewer system.

INDEPENDENT STUDY

President Pusey said Glenn Diehl brought to his attention that Council may want to think about getting an independent study to find out what the problems are with the way the plant is being operated. Russ Kilmer said his thought is now we will have three opinions and what do we do after that, get a fourth opinion, Council agreed. Russ Kilmer made a motion to put off getting an independent study until the new plant is on line, 2nd by Pat Longen, motion carried.

PARKS & COMPOSTING FACILITY COMMITTEE

Pat Longen gave the following report:

WATSON PARK FIRE

Someone set the playground equipment on fire at the Watson Park. The Secretary put up caution tape around the fire area and she is working on getting an estimate. The Committee recommends cleaning up the area and not putting any more money back in the park until something dissipates. Pat said he spent a lot of time cleaning up the park and it not worth the effort until something can be done with the vandalism.

EARNED INCOME TAX TASK FORCE

President Pusey said the Committee came up with 160 names that were not on the list and the Secretary will forward them to Berkheimer.

OLD BUSINESS

ZONING HEARING BOARD VACANCY

The Secretary said she spoke to Fred Hessenauer and he will get back to her on whether he is interested in being a member of the Zoning Hearing Board.

NEW BUSINESS

MEETING DATES AND TIMES

After some discussion, Council approved the following:

1. Change the January Council meeting from January 17th to January 24th.
2. Change the Council meeting start time to 6:00 p.m.
3. Change the Water and Sewer Committee and the Planning Committee meeting to the fourth Tuesday of each month

NEW GARDEN CONTRACT

President Pusey said that Glenn Diehl wants Council to vote on the New Garden Contract next week. Glenn would like to have the contract approved when he meets with DEP next Wednesday. Council agreed to continue this meeting on Monday, December 19, 2005.

ANNOUNCEMENTS

President Pusey made the following announcements

- Special Meeting will be held on December 27, 2005 at 5:00 p.m. to adopt 2006 Budget and Tax Ordinance.
- The Water and Sewer Committee meeting and the Planning Committee meeting are cancelled for December.
- Reorganization Meeting will take place on Monday, January 2, 2006 at 6:00 p.m.
- Beginning January 2, 2006 – Council Meetings are held on the third Tuesday of each month at 6:00 p.m.
- The Water and Sewer Committee meeting and the Planning Committee meeting are held on the fourth Tuesday of each month at 6:00 p.m.

Russ Kilmer made a motion to continue this meeting until December 19, 2006 at 5:30 P.M, 2nd by Jerry Poe, motion carried.

President Pusey called the meeting back to order on December 19, 2006 at 5:30 P.M. The following were present:

Council Members: President Pusey, Bob Cleveland, Jerry Poe, Rose Ann Swift, Russ Kilmer
 Guests: Howard Thompson, Harold Brown, Bill Romanelli, Patrick Harrison

RESIDENT COMMENT / REQUEST / COMPLAINTPAT HARRISON

Mr. Harrison said this is concerning the rental ordinance. He understands there is a problem that has to be addressed, but he would like to see the re-wording of the ordinance to allow not only a search warrant but also to have the Code Officer seek approval from 3 members of Council before going to the judge to get an administrative search warrant. He believes this would protect the town.

HAROLD BROWN

Mr. Brown said he really appreciates how much Council has accomplished this past year. Mr. Brown said he realizes that Council does not get paid and he notices a lot of things that are getting done now that hasn't been done before.

ANNOUNCEMENT

Jay Pusey announced that there will be an Executive Session after this meeting to discuss legal aspects of the New Garden Agreement.

RENTAL ORDINANCE

President Pusey asked Council if they have any questions or comments on the rental ordinance. Council expressed concern on the Search Warrant section of the ordinance. Glenn Diehl explained the paragraph:

“No search warrant is required if an imminent danger to health exists” – This means if something is going to fall over or blow up and the officer can see it himself, he can go into the building. In order for it to exist, the officer has to observe it. The second part of the sentence “or the Code Officer has probable cause to believe that a dangerous condition exists and an inspection is required to determine if an imminent danger to health or safety exists.” This part is a judgment call by the officer. This is when tenants typically call up and say they have an issue with the building with certain kinds of situations like smelling gas coming from the furnace and they are afraid. The officer has not seen this condition but relies on the representation of the tenant and the officer does have probable cause. This is designed for the situation where the Code Enforcement Officer has somebody he believes in, telling him there is an existing situation that is an immediate problem. If it is not an immediate problem, the officer should get the warrant. The only time you need a warrant is when they won't let you into the building to inspect, but generally the tenant will let you in to inspect. The purpose of the Codes is to protect the health and safety of the public. Bob Cleveland said as it is written, it is too open-ended and too discretionary on the code enforcement officer's part and that is what is bothering him. Council agreed with the part that when the Code Enforcement Officer observes the problem, he can go into the building. Bob said he is looking into the future, what if we don't have an officer as discreet as our current officer. Mr. Diehl said he could reword the paragraph to be more specific and Council tabled this issue until the next meeting.

Jerry Poe made a motion to adjourn the meeting at 6:40 P.M., 2nd by Rose Ann Swift, motion carried.

Respectfully submitted,

Becky Brownback
Borough Secretary

