

**AVONDALE BOROUGH  
COUNCIL MEETING  
AUGUST 15, 2006  
6:00 P.M.**

**MEMBERS PRESENT:** Bob Cleveland, Fred Bryan, Howard Thompson, Patrick Harrison, Glenn Allen   **Absent:** Russ Kilmer

**GUESTS PRESENT:** Mayor Howell, Glenn Diehl, Walter Barcz, Tom Lowry, Mike Short, Lew Christy, Bob & Marie Hittinger, Dana & Leslie Tinnin, Harold Brown, Jerry Poe, Skip Reynolds, Louise Langille

The Conditional Use Hearing for Dana Tinnin took place before this meeting.

After the Pledge of Allegiance, the meeting was called to order by President, Bob Cleveland at 7:10 p.m.

**PROPERTY ANNEXATION – BOB HITTINGER – LOCATED IN LONDON GROVE TWSP**

Bob Hittinger said he spoke with Council at last month's meeting about annexing his property into Avondale Borough and was wondering if Council had a chance to give it some consideration. Glenn Diehl said he looked in to the procedure and it involves is a petition from the Township and the Borough with an election in both municipalities. Nothing can happen until that time. There has to be a question on the ballot in order for it to get anywhere. Mr. Hittinger asked if he could get a letter from Council stating that they do not have any objection to this proceeding because his developer doesn't want to go any further until he does. Glenn said he doesn't know what function the letter would do because you have to have people vote on the annexation, not Council, and it has to be approved from both municipalities. The first step is to see if you can get it on a petition.

**MILLER ENVIRIONMENTAL REPORT**

Mike Short gave the following report for the month of July.

Monthly Water Production – 3,478,300 gallons / average daily flow – 112,203 gallons

Monthly Effluent Flow – 11,227,000 gallons / average daily flow – 364,000 gallons

New Garden Flow – 4,142,220 gallons / average daily flow – 118,349 gallons (7/29/06 to 8/2/06)

Unaccounted Monthly Wastewater Flow – 7,759,120 gallons (52.68%)

2006 2<sup>nd</sup> Quarter Billed Water Production – 6,133,020 gallons

2006 2<sup>nd</sup> Quarter Total Water Production – 9,954,100 gallons

2006 2<sup>nd</sup> Quarter Unaccounted / Water Production – 3,821,080 gallons (38.4%)

**NPDES VIOLATIONS** -0-

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

- Performed 1 Water Action Form.
- Installed a new water meter at 143 W. State Street on 7/12/06.

- Ordered 2 water meters from National Waterworks.
- Tested for Total Coliform in the water distribution system on 7/6/06. Results were negative.
- Used generator to pump excess rainwater from reservoir cover.
- Continued adding air into the sludge holding tank as requested by the DEP.
- Continued to add Sodium Hypo-Chlorite to the influent flow and digester to prevent possible odors.
- Had Reels Motor service on site to trouble shoot why the #2 EQ pump will not run in automatic
- The #2 RAS pump mechanical seal failed. Switched to the common RAS pump.
- On 7/14/06 contractors on site drained a filled new clarifier to the plant causing excess flow that caused solids to wash out of the plant. The DEP was notified of this verbally and by a 5 day letter.
- The DEP was on site on 7/20/06 to do a final inspection on the new plant and they gave a verbal approval to start flow to the plant.

### **BOROUGH SOLICITORS REPORT**

Glenn Diehl gave the following report:

#### **PROPOSED STORMWATER, SEWER AND WATER ORDINANCE'S**

Jamie MacCombie is putting together the water and stormwater ordinances and should be done relatively soon. The sewer ordinance is done and needs to be coordinated with the water regulations.

#### **COMMERICAL INSPECTIONS**

This has been drafted and a copy will be sent to Council for their review.

#### **FEMA FLOODPLAIN REGULATIONS**

An ordinance is being prepared and will be advertised so it can be adopted at the next Council meeting. The deadline to adopt this ordinance is September 29, 2006.

#### **AVONDALE PRESBYTERIAN CHURCH – LICENSE TO ACCESS POMEROY**

Met with the church's building committee and explained to them on how to proceed. If the Borough is going to give a formalized license to the church to use Pomeroy, their engineer needs to identify any safety issues on Pomeroy. For example: there is a small concrete bridge that the stream goes under and one issue might be a guardrail is needed on both sides of the bridge. There are all kinds of people use it in all kinds of weather, the safe thing to do is ask their engineer to review it see if there is anything that is unsafe for the use that they propose, identify it for us and identify the solution. After this happens, we can proceed, and if there is something that needs to be fixed, we can figure out how that is going to happen. Council agreed and Glenn will contact the church's engineer.

### **ENTECH REPORT**

Walter Barcz gave the following report:

#### **COUNTY GRANT – 1,500,000**

Received a County check on August 8, for \$134,033.57. This brings total County Grant payments for the wastewater treatment plant upgrade & expansion to 90% of the \$1,500,000 awarded.

#### **WWTP UPGRADE AND EXPANSION – CONTRACT TIME EXTENSION**

Because of the following reasons and not due to the lack of effort on Walabax's part, Walabax is requesting a time extension on the final completion date of the plant:

1. Grass seeding and planting is not recommended prior to September 15<sup>th</sup>.
2. US Filter has not yet begun their 28 day performance test, but intends to very shortly. To conclude the test before Contract Final Completion would result in a date in late September.

3. Riordan Material Inc., which supplied the Flygt Raw Wastewater Pump that Walabax is installing this week, informed them last week that their start up personnel are booked solid until August 31. Flygt has booked two start-ups per day every day until August 31.
4. There is substantially larger quantity of grit and solids left in the existing plant than anticipated. Currently talking with removal subcontractor companies so it can be removed as soon as possible. Unaware that the Grit Collection mechanism in the old plant headworks has been non-functional for years. The grit screw and entire headworks structure was packed solid with grit and debris, and so the down stream structures also have some large accumulation. These tanks require more time than originally scheduled to complete this clean up.

Walter said he recommends giving an extension up to six weeks, which will make a completion date of October 13, 2006. Patrick Harrison made a motion to grant the extension of six weeks, 2<sup>nd</sup> by Pat Longen, motion carried.

#### INCREASE TASK 004 – REGULATORY MATTERS / DEP

Fred Bryan made a motion to increase Task 04 for up to \$4,000.00, 2<sup>nd</sup> by Pat Longen, motion carried.

#### ZONING OFFICER'S REPORT

Tom Lowry gave the following report:

#### BUILDING & ZONING/CODE ENFORCEMENT REPORT FOR JULY 2006

- Two inspections were performed. Eighteen inquiries were received. 10.91 man hours were spent on U&O and Rental Inspections. One permit was issued in July to reconstruct a porch.
- 315 Pennsylvania Ave – A Beauty Salon was constructed / installed without the proper Zoning & Building permit approvals. The Conditional Use Hearing is scheduled for August 15, 2006 @ 6 PM. The application received is confusing. A letter has been sent for clarification of Use versus zoning compliance for parking, sign, professional office, etc.
- Langille – An application to the Zoning Hearing Board has been received to appeal the Zoning Official's revocation of a building permit to construct an Accessory Structure (Garage) and/or Variances to permit the re-instatement of the permit. The Hearing is scheduled for August 21, 2006 at 7:00 PM.
- 93 Pennsylvania Avenue – A Grocery Store opened without the proper permits. A letter has been sent stating that one EDU is allocated for the property. The matter has been discussed with two attorneys representing the property owner & store owner.
- Use & Occupancy Ordinance – Inspections are being performed.
- Smith Contractors – The drawings for exterior stairs have been denied for non-compliance.

#### LANGILLE ZONING HEARING

Tom said he would like to request that the Borough Solicitor attend the Hearing with him because this Hearing is beyond his expertise and it involves case law. Patrick Harrison made a motion to approve Glenn Diehl and Tom Lowry to attend the Hearing on August 21, 2006, 2<sup>nd</sup> by Pat Longen, motion carried.

Patrick Harrison made a motion that Council take a stand opposing Langille's plan due to the size of the building which is not customary in a residential area, it is far bigger than a garage or a shed, 2<sup>nd</sup> by Fred Bryan, Howard Thompson-yea, Glenn Allen-nay, Pat Longen-yea, Bob Cleveland-yea, motion carried by a 5-1 vote.

#### AVONDALE APARTMENTS – COMMERCIAL LAUNDRY FACILITY

Patrick Harrison asked for the update on the Avondale Apartments operating a commercial laundry facility. Tom Lowry said he sent a zoning enforcement notice to the owner, Richard Walkup that states that he has 30 days to comply. Tom said he will send a report to Council as soon as he gets a response from Mr. Walkup.

#### FINANCE COMMITTEE

Fred Bryan gave the following report:

#### APPROVAL OF BILLS TO BE PAID

The 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, 2<sup>nd</sup> by Pat Longen, motion carried.

#### APPROVAL OF FINANCIAL STATEMENTS

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

#### WALABAX PAYMENT #19 - \$129,224.59 AND MONACACY PAYMENT #12 - \$14,524.45

Fred Bryan made a motion to approve Walabax payment #19 and Monacacy payment #12, 2<sup>nd</sup> by Pat Longen, motion carried.

#### RESOLUTION #2006-09 – FIRST NATIONAL BANK OF CHESTER COUNTY

Fred Bryan made a motion to change the names on the checking account to: Robert Cleveland, Albert Bryan and Rebecca Brownback, 2<sup>nd</sup> by Pat Longen, motion carried.

#### APPROVAL OF MINUTES

Fred Bryan made a motion to approve the minutes from July 16, 2006 and continued on July 25, 2006, 2<sup>nd</sup> by Pat Longen, motion carried.

#### MAYOR'S REPORT

Mayor Howell gave the following report:

#### FALL FESTIVAL

The Fall Festival will be held on October 14, 2006 from 10:00 a.m. to 3:00 p.m. The Committee has been working hard preparing and getting donations from local businesses. There will be a best decorated pumpkin contest and a best decorated house contest.

#### RIBBON CUTTING – WWTP UPGRADE AND EXPANSION

The date has been set for October 28, 2006 and the Committee will get together soon to fine tune the invitation list.

#### GROWING GREENER GRANT – WHITE CLAY CREEK RESTORATION PROJECT

This project should have been closed out by now but there is a funding problem: Shandor Szalay, from F.X.Browne, which was the engineer for the project, sent a letter stating that the Borough owes them \$16,000. The Borough does not owe them any money because the deal was that they were paid only out of grant money and no money was to be spent by the Borough. Shandor said that Enviro-Air, who did the

restoration on the creek, billed \$21,000 too much. Shandor approved the invoice. Enviro-Air owes the Borough \$21,000 and then the Borough will pay F.X. Browne the \$16,000 and the rest will be used to finish the FEMA flood plain mapping.

### **PLANNING COMMITTEE**

#### **JERRY POE SUBDIVISION / TOWNHOUSE DEVELOPMENT**

Jerry Poe asked if Council is going to accept the revised sketch plan. Glenn Diehl said he spoke with Jamie MaCombie about the plan and there were some issues that Dave Biloon from Jamie's office had that he wanted to talk about. Glenn said the best way to resolve this issue is to have Mr. Poe call Dave Biloon and go over the plan. Tom Lowry said he will speak with Dave Biloon and get back to the Secretary.

### **STREETS AND STREET LIGHTS COMMITTEE**

Howard Thompson gave the following report:

- Last week Dominick put down some sand on Third Street and Chatham Street because the hot weather brought up some tar and was sticking to the cars.
- On Saturday, August 4<sup>th</sup>, a telephone pole was hit on Indian Run Road and Miller Drive. The pole was replaced but the street light was not replaced. The Secretary filed a request with PECO to have the street light replaced.
- Received a request from a resident in Avon Mohr and they would like to see more street lights on Indian Run Road particularly around the quarry.
- Installed two 10 mph signs on Pomeroy Drive.
- Received the "no littering" signs and Dominick will install them soon.
- Received a complaint from Harold Brown stating that the residents at 332 Church Street are putting their recyclables with the regular trash.
- Harold Brown noticed that there are several untagged cars at the Barlow's property on Minor Street. The Committee investigated this complaint and all the cars have been removed.

### **WATER AND SEWER COMMITTEE**

Howard Thompson gave the following report:

- The leak was fixed on Pennsylvania Avenue near 6<sup>th</sup> Street.
- Received a letter from Mr. and Mrs. DiFabio stating that they received a high water bill for the 2<sup>nd</sup> quarter and they can't understand why it is so high. This will be discussed in the Water and Sewer Committee meeting.
- Visited the WWTP a couple of times this past month and they are in the process of debugging and in the process of the demolition of the old plant and bringing some parts of the old plant in with the new system.

### **PARKS COMMITTEE**

Pat Longen gave the following report:

#### **INSURANCE CHECK FROM FIRE DAMAGED PLAY EQUIPMENT**

The Committee met and discussed where to put new play equipment. One idea is to put it next to the Pomeroy Park play area and another area is to place it by the basketball court on Third Street. Mayor Howell said to make sure you get the County's permission before pursuing. Pat Longen made a motion to approve the committee to order the play equipment, 2<sup>nd</sup> by Howard Thompson, motion carried.

**ENVIRONMENTAL AND COMPOSTING FACILITY COMMITTEE**

Patrick Harrison gave the following report:

On September 9<sup>th</sup>, Patrick said he will be attending the NIMS training and will be unable to man the composting facility and he is looking for volunteers. There were a total of three deliveries during the month of July.

**OLD BUSINESS**

**NIMS TRAINING**

President Cleveland announced that Mayor Howell, Howard Thompson and Patrick Harrison will be attending the NIMS training on September 9<sup>th</sup> in Lancaster.

**NEW BUSINESS**

**VERIZON**

President Cleveland announced that a meeting has been scheduled with a representative from Verizon on September 13<sup>th</sup> at 9:00 a.m. and all Council members and Mayor are welcome to attend.

**APPOINT CHAIRMAN PRO TEM**

Pat Longen made a motion to appoint Russ Kilmer as Chairman Pro Tem, 2<sup>nd</sup> by Patrick Harrison, motion carried.

**NUISANCE REGULATION – LIVESTOCK – ORDINANCE #4**

President Cleveland said the Borough has received many complaints regarding chickens and roosters running loose in the Borough. Council discussed this issue and Glenn Diehl will prepare a nuisance ordinance.

**ANNOUNCEMENT**

President Cleveland announced that there will be an executive session after this meeting to discuss a personnel issue.

Pat Longen made a motion to adjourn the meeting at 8:40 p.m., 2<sup>nd</sup> by Howard Thompson, motion carried.

Respectfully submitted.

Becky Brownback  
Borough Secretary