

**AVONDALE BOROUGH  
COUNCIL MEETING  
June 19, 2007  
6:00 P.M.**

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

**GUESTS PRESENT:** Mayor Howell, Glenn Diehl, Jamie MacCombie, William Fansler, Peter Lau, Ed Norman, Nick Fabricatore, Dave Friedman, Bill Shore, Bill Romanelli, Steve Frye, Bill Webb, Michelle Steele, Sali Cosford Parker

After the Pledge of Allegiance, President Cleveland called the meeting to order at 6:00 P.M.

**PUBLIC HEARING – PROPOSED GRADING ORDINANCE #217**

President Cleveland said this Ordinance is regulating grading of land, modification of natural terrain, alteration of drainage, maintenance of structures, artificial surfaces and drainage patterns, control of drainage and soil erosion, requiring grading permits and providing for enforcement and penalties for violations.

The Ordinance was advertised in the Daily Local News on June 11, 2007 and it has been available to the Public at the Borough Office. Council has been provided with copies and reviewed it.

President Cleveland opened the meeting to public comment on proposed Ordinance #217.

**PUBLIC COMMENT**

Bill Webb said he reviewed the Ordinance and is concerned about an on-going project he has with the government. Mr. Webb said he would like some kind of a statement stating that the project already in progress can continue and would appreciate if his attorney and the Borough's Solicitor could come to an agreement so that the project can move forward.

Glenn Diehl said if Mr. Webb has a permit and it is grandfathered in, the question becomes if the work has started or not. If the work has not been started and a permit is required then it would be under this Ordinance. Jamie MacCombie said he doesn't know the nature of what is being done but there are exempted activities under this Ordinance.

Mr. Webb said he looked at the exemptions and his project is not fully covered, but things that are not fully covered can go either way.

Mr. Webb said this project is a Federal, State and County grant through the Conservation District. The project is for relocation of part of Trout Run. The Conservation District required a permit not the Borough. The edges of the project are ones that Mr. Webb needs to carry out as his part of the project. The project was delayed by the Government and Mr. Webb would like to see the project carried out without additional permitting and more delay.

Jamie MacCombie said since it is a stand alone Ordinance and if there are unique circumstances and it does not fall specifically in the exemptions, Mr. Webb does have the ability to ask the Board to waive some of the requirements in the Ordinance. If there is pending approval from the Conservation District or from the Federal Government, Council may allow the project to continue.

Russ Kilmer said we should let Mr. Webb and his attorney work with Jamie and Glenn and come back to Council with a proposal. Council agreed.

There were no more public comments and the Public Hearing was closed.

**ADOPT ORDINANCE #217**

Fred Bryan made a motion to adopt Ordinance #217, 2<sup>nd</sup> by Howard Thompson, motion carried.

**PUBLIC HEARING – PROPOSED FEE SCHEDULE ORDINANCE #218**

President Cleveland said this Ordinance is establishing and/or changing procedures, fees and charges for collecting delinquent water, sanitary sewer and trash collection service accounts, termination of service for delinquency or violation of service regulations, and costs for removal of nuisances.

The Ordinance was advertised in the Daily Local News on June 11, 2007 and it has been available to the Public at the Borough Office. Council has been provided with copies and has reviewed it.

President Cleveland opened the hearing for public comment. There were no comments or questions. The Public Hearing was closed.

**ADOPT ORDINANCE #218**

Russ Kilmer made a motion to adopt Ordinance #218, 2<sup>nd</sup> by Patrick Harrison, motion carried.

**PUBLIC HEARING – APPLICATION TO DEPARTMENT OF COMMUNITY DEVELOPMENT**

President Cleveland said this is a Resolution for an application to the Department of Community Development. This Resolution is for authorizing and directing the appropriate Borough officials to apply to Chester County for a grant to help fund a project to reconstruct Thompson Street and replace stormwater drainage, water supply and sanitary sewer facilities within the Thompson Street right-of-way.

The application was advertised in the Daily Local News on June 11, 2007 and it has been available to the Public at the Borough Office. Council has been provided with copies and has reviewed it.

President Cleveland opened the hearing for public comment for Resolution #2007-06. There were no comments or questions. The Public Hearing was closed.

**ADOPT RESOLUTION #2007-06**

Fred Bryan made a motion to adopt Resolution #2007-06, 2<sup>nd</sup> by Russ Kilmer, motion carried.

**RESIDENT AND PUBLIC COMMENT****SALI COSFORD-PARKER – Historical Commission**

Ms. Parker said she and her family just moved into Avondale in April, and as an historian, she has an interest in seeing a Historical Commission established in Avondale. The mission of the Avondale Historical Commission is to identify, preserve and educate the Borough about its unique historical heritage. Ms. Parker handed out a Project Plans Draft to Borough Council on the immediate needs of the proposed Commission and asked Borough Council for their approval on establishing a Historical Commission.

**HISTORICAL COMMISSION – ADOPT RESOLUTION 2007-07**

Russ Kilmer made a motion to adopt Resolution 2007-07, establishing a Historical Commission in the Borough of Avondale, 2<sup>ND</sup> by Fred Bryan, motion carried.

**APPOINT MEMBERS OF HISTORICAL COMMISSION**

Patrick Harrison made a motion to appoint Sali Cosford-Parker as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Russ Kilmer, motion Carried.

Fred Bryan made a motion to appoint William Parker as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Howard Thompson, motion Carried.

Russ Kilmer made a motion to appoint Stephanie Young as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Fred Bryan, motion Carried.

Howard Thompson made a motion to appoint Aaron Busknehl as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Russ Kilmer, motion Carried.

Patrick Harrison made a motion to appoint Lenee Bryan as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Howard Thompson, motion Carried.

Fred Bryan made a motion to appoint Charles Jones as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Russ Kilmer, motion Carried.

Russ Kilmer made a motion to appoint Sandra Jones as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Fred Bryan, motion Carried.

Howard Thompson made a motion to appoint David Black as a member of the Avondale Borough Historical Commission, 2<sup>nd</sup> by Patrick Harrison, motion Carried.

### **WILKINSON PROJECT**

Bill Romanelli gave the following report:

The project is still moving forward. We are now working on the quarry and we have received a couple of complaints from the neighbors across the street regarding the dust. We are doing our best to control the dust, but it is hard to control with the hot weather and no rain. The well on the quarry property takes three to four hours to fill the tanker truck and we are not able to keep up with the dust. If the Borough agrees, we would like fill up a tanker truck about four times a day with treated water from the treatment plant and take it to the quarry to spray it on the roads. The water would be drawn right before it discharges into the stream. The water from the treatment plant would be a solution to try and keep everybody happy.

President Cleveland said he did not have any issues with it, but he has a concern on how DEP feels about it. Ed Norman said he will contact DEP. Russ Kilmer asked Mr. Romanelli for a written proposal on what they what to do. Patrick Harrison made a motion to approve Wilkinson Distinction to take effluent water from the treatment plant and use it to control the dust at the quarry, based upon written approval from DEP, and that financial restitution will be paid for electric power used for pumping the water into the tanker, 2<sup>nd</sup> by Russ Kilmer, motion carried.

### **EEMA REPORT**

William Fansler gave the following report:

#### **OPERATIONS REPORT**

Wastewater Treatment Plant Flows:

Total Monthly Flow	7,204,000 gallons
Daily Flows Min.	178,000 gallons
Daily Flows Max.	302,000 gallons
Daily Flows Avg.	232,000 gallons

#### **NEW GARDEN WEEKLY FLOWS**

<b>WEEK</b>	<b>5/2 to 5/9</b>	<b>5/9 to 5/16</b>	<b>5/16 to 5/23</b>	<b>5/23 to 5/30</b>
<b>ROUTE 41</b>	45,131	44,941	44,361	41,368
<b>RAILROAD</b>	92,935	93,102	80,394	80,247

- There were no reportable deviations from the Contract parameters or requirements this month.
- We received our first DEP inspection this month.
- Removed 36,000 gallons of sludge from the Waste Water Treatment Plant.
- We have received both refurbished well meter insets and have installed them. Well meters were replaced on May 29<sup>th</sup>.
- The remaining manhole in the park has been locked down.
- We are waiting for a final quote for the control building heaters replacements.
- Total Rainfall 1.02 inches.
- Temperature high was 90°F and the low was 39°F.

#### MAINTENANCE REPORT

All the work orders in the CMMS were completed for this month.

- There were four (4) PA One Calls.
- There were six (6) Action Request forms received resulting in the following;
  - Six (6) meter replacements
    - 401 Thompson Street
    - 520 Pennsylvania Avenue
    - 38 Gap Newport Pike
    - Baltimore Pike
    - 417 Pennsylvania Avenue
    - 201 Pennsylvania Avenue
- There was one leak and no blockages for the month.
- Maintenance budget reconciliation.

#### PROJECTED OPERATION & MAINTENANCE PLAN FOR MAY:

- Completion of the numbering and inspection of all manholes in Zone A and B.
- Preventative maintenance on all scheduled equipment.
- Numbering of Borough's fire hydrants. EEMA O & M Services Group has added all of the hydrants into the CMMS and will be conducting semi-annual inspections.

#### WATER QUALITY REPORT:

##### Water System Flows

Total Well #1	2,810,100 gallons
Total Well #2	721,700 gallons
Total Monthly Flow	3,531,800 gallons
Daily Flows Min. Well #1	-0- gallons
Min. Well #2	-0- gallons
Avg. Well #1	90,648 gallons
Avg. Well #2	23,281 gallons
Max. Well #1	228,100 gallons
Max Well #2	45,200 gallons

Water quality met all regulatory and contractual requirements during the month.

#### SAFETY AND TRAINING REPORT

There were no safety issues to report.

#### MONTHLY GRIEVANCES:

There were no grievances for the month.

PERMIT VIOLATIONS: None

ESTIMATE FOR GAS HEATER

Received three quotes for a gas heater:	Oxford Plumbing and Heating	\$4,700.00
	Russell M. Drennen. H & AC	\$4,546.00
	Marano Plumbing & Heating	\$9,995.00

Fred Bryan made a motion to approve Russell M. Drennen, Jr. Heating and Air Conditioning to install a new gas heater at the WWTP for \$4,546.00, 2<sup>nd</sup> by Russ Kilmer, motion carried.

CONSUMER CONFIDENCE REPORT – WATER QUALITY REPORT

The Secretary said the report was sent out on June 11, 2007 to all water customers.

MANHOLES IN WATSON PARK

Ed Norman said that all the manholes in Watson Park have been secured.

ENTECH REPORT

Walter Barcz gave the following report:

CONSTRUCTION PAYMENTS – DCD GRANT FINAL PAYMENT

The final payment from the County will not be disbursed until all the County DCD requirements are met. Walabax and Monacacy still have to submit Payroll Certifications and some punchlist items have to be finished.

LANDSCAPING AT THE SEWER PLANT

A letter was written to Walabax on June 17, 2007 stating the unsatisfactory job of fill-grading-landscaping construction at the sewer plant. There is lumber, wire, glass and other undesirable are being discovered.

HENSON AND MAPLE STREETS PROJECT

The Borough Auditor Vince Barbone feels Chester County Owes the Borough \$8,200 toward the Henson and Maple Street Project. The project came in under budget, resulting in a construction cost and three payments to Melchiorre totaling \$347,935.00. The County Grant was \$350,000.00 with an improved increase of \$6,135.00 which totals \$356,135.00. Therefore, the County paid the \$347,935.00 and there is no remaining entitlement to the Borough.

BOROUGH SOLICITORS REPORT

Glenn Diehl gave the following report

ENVIRO-AIR LAWSUIT

Both Defendants have been served and the lawsuit has been started.

93 PENNSYLVANIA AVENUE – RIVERA PROPERTY

Tom Lowry did an inspection of the property. There is a bathroom facility on the first floor and it has been there for a long time. We left it at the last meeting, if we found a bathroom facility on the first floor, we would regard that as having achieved a two EDU scenario and that Mr. Rivera would be authorized to use the apartment above and commercial below. Mr. Rivera would be required to bring the building up to code before receiving a Use and Occupancy Permit. Glenn Diehl asked Council if they had a problem moving forward with this issue. Council had no issues.

DINER PROPERTY – 39 GAP NEWPORT PIKE

When the diner property was owned by Frezzo Brothers, the Borough Council put a “use restriction” on the property so it could not be used for diner or a restaurant. Glenn said he doesn’t think that was ever the intention of document. He believes there were site improvements that needed to be done to operate the restaurant because they

did not have the money so the Borough entered into a deal where there was an escrow account created to do the site improvements that was necessary for the diner while the diner was up an running. The diner failed as a business proposition, the developer wanted the money back and the Borough gave the money back in return for the permits and the permits were to use the property as a diner. This document was generated stating that they give up all their rights to use the property as a diner. What the document was meant to say is that they have given back the permits and they did not do the improvements, the Borough has given back the escrow and everything is going back to ground zero. There now appears to be a title cloud.

Deborah Hampton, the property owner has agreed to pay all processing fees to have Glenn Diehl file the proper documents to clear this title cloud. Russ Kilmer made a motion to give authorization for the Officer's to sign the release for the former Frezzo Brothers property with the stipulation that all fees are paid, 2<sup>nd</sup> by Fred Bryan, motion carried.

#### DEP MEETING UPDATE

The meeting was well received. We asked DEP for 115,000 gallons of capacity and DEP gave us 115,000 gallons of immediate capacity without doing remediation. We are well on the path of where we need to be. We have 63,250 gallons going to New Garden Township and we have 50,000 going to Wilkinson. President Cleveland thanked everyone that attended the meeting.

#### BOROUGH ENGINEER'S REPORT

Jamie MacCombie gave the following report

#### MS4 STORMWATER

The yearly report was submitted to DEP.

#### I & I STUDY

Continuing on with the I & I Study. We would like to move the meters, but we need assistance from EEMA. Spoke to Ed Norman and he requested a scope of work from Jamie's office stating what their responsibility would be and because it is not covered under the contract EEMA has with the Borough. Jamie will submit a scope of work to EEMA and EEMA will submit a change order to the Borough. EEMA does not need to move the meters, EEMA just needs to be there with confined space entry equipment.

#### CHATHAM STREET ENGINEERING STUDY

Received the results back for the study. 85% of vehicles traveling on Chatham Street are speeding. Spoke to PennDOT and as long as we comply with the State guideline regulations, PennDOT does not have to approve the one way. By the next Council meeting, everything should be wrapped up and Council will be able to approve the one way.

#### FINANCE COMMITTEE

Fred Bryan gave the following report:

#### EXCELSIOR BLOWER SYSTEM INVOICE

Russ Kilmer made a motion to approve the Excelsior Blower invoice for \$4,009.00 which will be paid out of the General Fund, 2<sup>nd</sup> by Howard Thompson, motion carried.

#### GAEBEL'S INVOICE

Russ Kilmer made a motion to approve Gaebel's Invoice for \$20,600.00 for the repair of the water leak at 6<sup>th</sup> Street, 2<sup>nd</sup> by Howard Thompson, motion carried.

#### BILLS TO BE PAID

The Committee reviewed the bills to be paid and recommend Council's approval. Howard Thompson made a motion to approve the bills to be paid, 2<sup>nd</sup> by Russ Kilmer, motion carried.

**FINANCIAL STATEMENTS**

The Committee reviewed the financial statements and recommend Council's approval. Russ Kilmer made a motion to approve the financial statements, 2<sup>nd</sup> by Patrick Harrison, motion carried.

**2006 AUDIT**

Howard Thompson made a motion to approve the 2006 audit, 2<sup>nd</sup> by Patrick Harrison, motion carried.

**HISTORICAL COMMISSION BUDGET**

Fred Bryan made a motion to approve \$500.00 for the Historical Commission Budget for 2007, 2<sup>nd</sup> by Russ Kilmer, motion carried.

**APPROVAL OF MINUTES**

Fred Bryan made a motion to approve the minutes from May 22, 2007 as written, 2<sup>nd</sup> by Patrick Harrison, motion carried.

**MAYOR'S REPORT**

Mayor Howell gave the following:

**MEETING WITH REPRESENTATIVE CHRIS ROSS**

Attended a meeting with Chris Ross and discussed some of the things that he could help the Borough to do. Representative Ross is going to help us with getting the emergency flashing lights at the new fire house on Route 41. We also talked about grant money for a backup pump.

**RESOLUTION #2007-08 – APPLICATION FLASHING LIGHTS – ROUTE 41**

President Cleveland said this is a Resolution to the Secretary of Transportation to erect, operate and maintain flashing warning device on Route 41 in front of the new fire house. Russ Kilmer made a motion to approve Resolution #2007-08, 2<sup>nd</sup> by Fred Bryan, motion carried.

**SHARED MUNICIPAL SERVICE PROGRAM GRANT**

There is a shared Municipal Service Program Grant from the Pennsylvania Department of Community and Economic Development that pays 50% of a multi-municipal happening. With the LED lights that Bill Shore has been talking about, and we get at least one other municipality to go in with Avondale, we can get 50% toward the cost of the lights. Council approved Mayor Howell to move forward with this project.

**EMERGENCY MANAGEMENT COORDINATOR**

Bill Shore gave the following report:

**PORTABLE RADIO**

An updated radio is needed for AGREM, the old radio does not meet all of the needs to participate in an emergency. The cost of the new radio is \$300.00. Russ Kilmer made a motion to purchase a new radio at a cost of up to \$400.00 for the Emergency Management Coordinator to communicate with AGREM in case of a regional emergency, 2<sup>nd</sup> by Fred Bryan, motion carried.

**PERSONNEL COMMITTEE**

Bob Cleveland gave the following report:

**SECRETARY - VACATION**

The Secretary will be on vacation from June 25<sup>th</sup> through July 3<sup>rd</sup>.

**ZONING HEARING BOARD VACANCY**

Howard Jones has submitted his letter of resignation effective June 19, 2007. Mr. Jones stated that he regrets having to make this decision, but do to other commitments, he no longer has the time to fulfill this obligation.

**ZONING HEARING BOARD APPOINTMENT**

Sali Cosford-Parker has agreed to sit on the Zoning Hearing Board and the Personnel Committee recommends to Council to appoint Ms. Parker to the Zoning Hearing Board. Russ Kilmer made a motion to appoint Sali Cosford-Parker as a member of the Zoning Hearing Board, 2<sup>nd</sup> by Fred Bryan, motion carried.

**STREETS AND STREET LIGHT COMMITTEE**

Howard Thompson gave the following report:

1. PECO has installed the new street lights at Pomeroy Park, Indian Run Road and Henson Street.
2. Jamie is working on the Chatham Street survey.
3. The Committee is working on the Yield to Pedestrian signs for Pennsylvania Avenue and State Street. The Committee will meet next week to discuss the application.
4. Dominick fixed the bent stop signs on Third and Church Streets and on Second Street.
5. Dominick will fix the storm drain at Chatham and Fourth Streets as soon as possible.
6. A load of cold patch was delivered on June 18th. Dominick is working on filling pot holes.
7. The Secretary contacted a line painting company, but they have not returned the call.

**WATER AND SEWER COMMITTEE**

Howard Thompson gave the following report

1. There were three water leaks this month: one at 6<sup>th</sup> and PA Avenue, one at 219 Chatham Street and one at 605 Poplar Street. Dominick fixed all three.
2. The Community Service person helped Dominick with the leaks and has painted the fire hydrants. He will start painting the curbs.
3. Letters to residents regarding tampering with water meters were sent out along with the Water Quality Report.

**PUBLIC SAFETY COMMITTEE**

Russ Kilmer gave the following report

**POLICE ACTIVITIES**

The police are on their increased hours for Summer. They have done a lot of stop sign and speed enforcement. Parkesburg Police was an integral part of the recent drug arrest on Henson Street. They played a big part of the drug arrest where they arrested four major drug dealers and are working on more arrests.

**BUS STOP AT MILLER DRIVE**

Met with Rae Dunn from the School District along with five other people from London Croft to discuss the bus stop at Indian Run Road and Miller Drive. The bus has to pull up and back in and we are afraid one of the children are going to get hit. Starting in September, there will be 29 children just from London Croft getting on the bus. Rae Dunn has spoken to London Grove Township because the bus can not pick the children up in London Croft because the roads have not yet been dedicated. London Grove Township claims that they have been trying to get the roads dedicated for sometime. We heightened Ms. Dunn's awareness and she will get the bus driver some training if the roads are not dedicated by the September. The Committee will address this issue if the roads are not dedicated by the end of August.

**PROPERTY AND EQUIPMENT COMMITTEE**

Russ Kilmer gave the following report

**BOROUGH QUARRY PROPERTY**

Mr. Smith is continuing to clean up the property. There are a couple more loads and it will be finished.

**PUMP FOR WATER REPAIRS**

Russ Kilmer made a motion to approve the purchase of the Mudsucker pump for \$2,500.00, 2<sup>nd</sup> by Howard Thompson, motion carried. This pump will be used to pump out water when repairing water leaks and will be kept at the WWTP as a back up pump.

**NEW GARDEN LIAISON**

Mayor Howell gave the following report

Mayor Howell, Howard Thompson and Fred Bryan met with New Garden Township. We spoke to them about the 115,000 gallons that DEP gave the Borough and we would let them know what part of that will be theirs after we received the confirmation letter from DEP. We strongly advised New Garden not to talk to DEP regarding the Avondale sewer plant. We told them if they have any concerns, please come to the Borough and we will handle it. We stressed the fact that DEP was not happy that someone from New Garden attended the last meeting with DEP uninvited. It was a good meeting and we will continue to meet on a quarterly basis.

**PARKS, ENVIRONMENTAL AND COMPOSTING COMMITTEE**

Patrick Harrison gave the following report:

**COMPOSTING FACILITY**

Looking for a volunteer to give two hours of help at the composting facility. Dominick is still working on getting the railroad ties situated to separate the piles. The compost is sitting in bags at this time because there is no place to put them until Dominick is finished.

**DEAD SWAMP MAPLES**

Russ Kilmer said he received a quote for Pat Longen from Yardworks to cut down three swamp maples at Indian Run Park. The cost is \$1,785.00. Patrick Harrison said he would like to get another quote. Council agreed.

**RYAN RAMBERGER – KIOSK AT POMEROY PARK**

President Cleveland said he met with Ryan Ramberger and as part of his Eagle Scout Project; he is going to put up a kiosk at Pomeroy Park. About a year and a half ago, Council approved this project and allocated him \$100.00 toward the kiosk. Mr. Ramberger will be contacting the Parks Committee when he is ready to build.

Russ Kilmer made a motion to adjourn the meeting at 8:05 p.m., 2<sup>nd</sup> by Howard Thompson, motion carried.

Respectfully submitted,

Becky Brownback  
Borough Secretary