

**AVONDALE BOROUGH
COUNCIL MEETING
MARCH 18, 2008**

MEMBERS PRESENT: Fred Bryan, Russ Kilmer, Bob Cleveland, Steve Frye
Absent: Glenn Allen, Pat Longen, Patrick Harrison

GUESTS PRESENT: Mayor Howell, Glenn Diehl, Tom Lowry, Howard Thompson, Bill Reilly, Michelle Steele, Pete Lau, Dave Friedman, Bill Reilly, Jerry Poe, John Andaloro

After the Pledge of Allegiance, President Bryan called the meeting to order at 6:00 p.m.

PUBLIC COMMENT

WILSON LYSLE

Mr. Lysle asked if the Borough was charging rent for the trailer that is being stored by the maintenance building. President Bryan said the trailer is owned by the Borough and we are going to use it as a temporary office building if we receive the grant for a new building. Mr. Lysle asked if State Street was going to be re-paved. President Bryan said the Borough received a grant to install new water lines on State Street and repaving is part of the grant.

JOHN ANDALORO

Mr. Andaloro stated the following:

I understand that Mr. Lowry and Mr. Diehl have concluded that I have violated the Borough ordinance although, I have not received an explanation of the rules that I violated. Mr. Diehl and Neil Land, my attorney, have engaged in several discussions and the best I can understand is the violations are based on my using 201 Pennsylvania as my primary residence. It is not and has never has been my understanding. Mr. Diehl told Mr. Land that he can have it resolved by me paying \$6,200 for an EDU, paying for permits and \$2,000 in fines. What the \$2,000.00 fine is for have not been specified. Mr. Land informed Mr. Diehl that he would agree to the proposal except for paying the \$2,000 in fines and Mr. Diehl rejected that solution. Mr. Land then requested a meeting with members of Council and Mr. Diehl to address this matter and Mr. Diehl rejected that request. This brings me here to this meeting and hope to address this matter with Council.

Prior to the purchase of 201 Pennsylvania, it was made perfectly clear that I would not buy the property unless the permitted uses were approved. There was no misunderstanding on my part. (Mr. Andaloro handed out 10 copies of several documents to Council). If you read the first line it says, I would like approval to use the existing property as an office space and two residential apartments. This is perfectly clear what my intent was. Mr. Lowry assured me that this was acceptable and there was no problem. Mr. Lowry also informed me that I did not need to get legal counsel because the Borough was extremely interested in having that property rehabilitated and having businesses move into this community. This has been nothing but trouble since. I still do not have any understanding of what the proposed violations are and I would like to resolve this matter, but I do not know how to get this matter resolved. If I can't talk with people and I can't meet with people, how does he get this matter resolved?

President Bryan said that Mr. Diehl is the Borough's Solicitor and Mr. Lowry is the Borough's Zoning Officer and you have to meet with them to discuss this matter.

Glenn Diehl stated the following:

I can not meet with Mr. Andaloro without his attorney. If Mr. Andaloro has something to communicate to Council the place to do it is at a public meeting. If he has something to resolve with respect to where this is going to go from a legal aspect, Mr. Andaloro needs to speak to his attorney and his attorney can talk to me. If Mr. Andaloro has an issue with what Mr. Lowry is doing, his attorney needs to talk to Mr. Lowry because he is going to issue the stuff. I spoke to Mr. Andaloro's attorney and spelled out the Borough's position to him and Mr. Andaloro needs to speak to his attorney.

Mr. Andaloro stated the following:

I am not trying to be difficult but I clearly do not understand what is going on. There has been a failure to articulate what the issues and violations are and to tell me what they are so I can make a determination whether it makes any sense to stay in this Borough or move out of it.

President Bryan told Mr. Andaloro that he will need to meet with Mr. Diehl and Mr. Lowry to see if this can be worked out. Mr. Andaloro said he asked this question last time, "how do I do that"? Mr. Diehl's response was that he needed to do that in a public forum and address this entire Council. Mr. Andaloro responded by saying "how do I do that"?

Glenn Diehl answered with the following:

First of all, your attorney asked if you could set up a meeting with a subset of Council and in place of that, I told him that the best way to do it is to come to the whole Council rather than a subset and say whatever you had to say to Council as a whole in public. The violations are that you went to the Zoning Hearing Board and applied for a "Use Variance" to get an apartment and a dwelling. You got a "Use Variance" and you got a dwelling unit with an accessory principal with an accessory professional office. That's the decision you got. Notwithstanding that decision, you went out; you occupied it as a dwelling unit, an apartment, and as a separate professional office. This is not consistent with the Opinion. After getting letters from Mr. Lowry clearly asking you to get permits and provide plans before you did anything, you went ahead and did them anyway. You have advised that you are confused and the answer to your confusions is that you went out and built the stuff without filing application and without getting any permits, without getting any inspections, and occupied it without a certificate of inspection.

Mr. Andaloro said if I understand what you are saying, I have a requirement to occupy it as my primary residence in order to be in compliance. If you read the "Decision" it states that it is not required. Mr. Diehl said the accessory use is not required to be owner occupied, but the person in the dwelling has to be the professional doing the use.

HISTORICAL COMMISSION

Sali Cosford-Parker gave the following report:

Avondale Historic Commission met on March 5 at the Borough Hall.

- Malvern Historic Commission is requesting assistance from our group for their house tours 7/27/08 in the afternoon. Roles for volunteers include helping people sign in, giving short talks about the houses.
- Bill Parker attended Chester Country Historic Preservation Workshop on March 8. He will be presenting to the Commission at the April Commission meeting.
- The need for additional members and ideas for attracting people were discussed. One idea was to recruit people to the Commission who had been interviewed for the Remember When Project.
- **Remember When**, the oral history project, is gathering momentum as interviews are scheduled.

- Johnny Ewing visited the meeting and brought some enlarged photographs of the local area which he explained to the group. He agreed to a Remember When interview in the near future
- Purchase and marketing of Bob Cleveland's upcoming book is being discussed.

HISTORICAL DOCUMENTS – OFFSITE

Ms. Cosford-Parker said one of the issues the Historical Commission is having is finding considerable blocks of time to come to the Borough Building to scan documents. There is one handheld scanner to do the older ledgers but to get the older materials scanned, it means bringing in a big piece of equipment. The Commission understands the importance of safe guarding the documents, but the sooner we can get them scanned the sooner we have backups. Ms. Cosford-Parker asked Council for an exception to take the documents offsite. President Bryan asked how long she will need the documents. Ms. Cosford-Parker said she is looking to do them item by item basis and looking to take one book out for 24 to 48 hours. Council agreed to approve Ms. Cosford-Parker to take the documents offsite.

EEMA REPORT

Michelle Steele gave the following report:

OPERATIONS REPORT

Wastewater Treatment Plant Flows:

Total Monthly Flow	8,575,000 gallons
Daily Flows Min.	219,000 gallons
Daily Flows Max.	473,000 gallons
Daily Flows Avg.	296,000 gallons

NEW GARDEN WEEKLY FLOWS (gpd)

WEEK	1/30 – 2/6	2/6 – 2/13	2/13 – 2/20	2/20 – 2/27	2/27 – 3/5
ROUTE 41	43,639	43,066	45,470	40,289	41,250
RAIL ROAD	53,780	47,731	81,089	54,593	56,247

- Removed 18,000 gallons of sludge from Wastewater Treatment Plant.
- Received new permit which is effective March 08
- Electrician (MV LaFrance) installed 3 new lights in raw dry well.

MAINTENANCE REPORT

- There was (1) one PA One Call.
 - West State Road
- There were (4) Water Action Request forms received resulting in the following;
 - 19 West Second Street - reread
 - 409 Henson Street – reread
 - 409 Henson Street – reread
 - 510 Chatham Street

WATER QUALITY REPORT:

Water System Flows

Total Well #1	4,356,200 gallons
Total Well #2	1,161,000 gallons
Total Monthly Flow	5,517,200 gallons

Daily Flows Min. Well #1	99,400 gallons	Min. Well #2	29,000 gallons
Avg. Well #1	150,214 gallons	Avg. Well #2	50,100 gallons
Max. Well #1	204,800 gallons	Max. Well #2	40,034 gallons

OPERATIONS REPORT:

- Master Locators tested waterlines on February 26.
- Aqua Source tested waterline on February 28 and 29.
- Water quality met all regulatory and contractual requirements during the month.

MONTHLY GRIEVANCES:

There were no grievances for the month.

PERMIT VIOLATIONS: None

WATER LEAK

Bill Reilly reported on the water leak:

Master Locators tested on Pennsylvania Avenue beginning south of Church Street to Ellicott Avenue, along Minor Street west of Church Street and along Chatham Street between Sixth and Fourth Streets. They found a glitch around 6th and Chatham Streets and that is all they found.

Aqua Pennsylvania came out and did a much bigger area and they also walked the line from the reservoir and didn't find anything significant. We didn't get to Pennsylvania Avenue to State Street because it is entirely too noisy.

There has been over 200,000 gpd for the last two weeks. We found the valve wasn't completely shut off at Pop's Diner and now that the valve is completely shut off it dropped 10-15,000 gallons gpd. We are also looking at checking out the reservoir and developing a plan on the best way to determine if the leak is coming from there.

Jamie MacCombie said you may want to meter the line coming right out of the reservoir to see what is actually being discharged because this may verify there is a problem at the reservoir. Pete Lau said the same line that goes into the reservoir comes out of the reservoir so we can not put a meter on it. The plan we are looking at is shutting everything off and see how fast the water drops. President Bryan asked if there was a bypass because when they replaced the reservoir cover they had tanks at the sewer plant and had to hook it up somehow. Mr. Lau said what SSM did is they brought a tanker in and developed a big pressure tank and the pumps pumped into the tanker and told the well pumps when to shut off. Mr. Lau said one of the keys is to get Aqua to come back in at night and do Pennsylvania Avenue. This issue will be discussed at the next Water and Sewer Committee meeting.

BOROUGH SOLICITOR'S REPORT

Glenn Diehl gave the following report

HAMPTON PROPERTY AGREEMENT

Mr. Diehl gave the Agreement to the Secretary and said Ms. Hampton needs to sign it and return it to the Borough for signatures and then Ms. Hampton needs to have it recorded.

F.X. BROWNE – GROWING GREENER CONTRACT

We are trying to figure out exactly what number we subtract legal costs from after getting the money from Enviro-Air to pay F.X. Browne. The dispute is that the Borough received \$20,225.00 from Enviro-Air, but the outstanding bill from F.X. Browne is \$13,491.00, so the money should be subtracted from this

amount since this is the only outstanding bill. F.X. Browne probably didn't bill for the full amount because they had additional work to do in which they never did. It won't cost the Borough anything either way, it is just figuring out the number to subtract the amount due to F.X. Browne.

201 PENNSYLVANIA AVENUE

Russ Kilmer said he would like to see us get this Mr. Andaloro situation squared away. I understand his frustrations and I think Glenn Diehl made it clear what the issues are. Mr. Kilmer said he understands it and Mr. Andaloro should understand it. Mr. Kilmer asked what needs to be done to get this resolved. Mr. Diehl said he believes what he was telling Mr. Andaloro's attorney wasn't ending up with Andaloro or at least its entirety. Mr. Diehl said his effort to get the thing resolved was already put on the table but he rejected it. We don't know what was done to the property so we don't know what is required and we need that by inspecting the property.

Mr. Diehl said he doesn't know how to make it clearer to Mr. Andaloro that he is in violation because if we go to court we are going to win. Mr. Diehl said the reason Mr. Andaloro was told to come to a Council meeting is because when he was speaking with Mr. Land he requested a meeting with a subset of Council including Mr. Diehl and Mr. Lowry. Council as a whole needs to understand it and Council needs to make a decision so it was better for Mr. Andaloro to come and say what he needed to say. Mr. Kilmer said from tonight out, we need to get this thing settled. If we have to take him to court then we need to do that but we need to get it resolved as soon as possible. Mr. Diehl and Mr. Lowry both said that they will do their best to get this matter resolved.

BOROUGH ENGINEERS REPORT

Jamie MacCombie gave the following report:

INSURANCE SERVICES OFFICE LETTER (ISO)

Spoke with the ISO and basically there are items they have listed in the document that have not been answered. Guy Swift has not responded to the information that was requested by Jamie's office. Russ Kilmer said he and Guy Swift from the fire company are supposed to meet with someone from the ISO next week.

I & I STUDY

We are continuing to monitor the lines between manhole #3 and manhole #70 and the plans are about 50% completed at this juncture. The wetlands have been evaluated and a general permit will be needed and we are in the process of getting that. Hopefully, by next month we should be able to get the information out to Mr. Wilkinson so he can provide us with a price based on the agreement we have for him to go forward. Meeting with Mr. Wilkinson, Bill Romanelli and his engineer next Tuesday at 10:00 a.m. at the Borough Office in regards to their re-submittal. Wilkinson is getting close to submitting their documents to conform to the requirements of conditions of approval.

FLOOD PLAIN ORDINANCE UPDATE

DCED had reviewed the Borough's ordinance and recommended some changes. Will review the ordinance and recommend to Council on what needs to be done.

FLASHING LIGHTS – FIRE COMPANY

PennDOT was supposed to do a drawing for a flashing warning device but instead they did a drawing for a signalized intersection. Council already passed a resolution for the flashing lights and we are waiting on the revised plans from PennDOT.

TRACTOR TRAILERS ON E. THIRD STREET

PennDOT said in their opinion it is not warranted to make any improvements because they don't think there is sufficient truck traffic to warrant any modifications at the intersection. PennDOT will send a finalized report.

CHAPTER 94 REPORT

The Chapter 94 Report will be submitted by the March 31st due date and we anticipate it will not show an organic or hydraulic overload.

PRESBYTERIAN CHURCH – ESCROW RELEASE

The Presbyterian Church is requesting their first escrow release for construction in the amount of \$53,322.50. This number is incorrect and the amount that is being certified to be released is \$41,751.25. Russ Kilmer made a motion to release \$41,751.25 of escrow to the Presbyterian Church, 2nd by Steve Frye, motion carried.

NEW BOROUGH HALL – GRANT APPLICATION

Jamie MacCombie said a single grant application has been prepared for the replacement of Borough building. The total of the grant application is in the amount \$531,375 of which \$425,100 is requested from DCED. This document needs to be filed by the end of the month. Steve Frye made a motion to approve the grant application for the proposed replacement of the Borough Hall, 2nd by Bob Cleveland, motion carried.

DCED GRANT - \$499,895.00

President Bryan said the Borough received a grant from DCED in the amount of \$499,895.00 for water line replacement from the reservoir to State Street and from State Street to Pennsylvania Avenue. Jamie MacCombie sent a breakdown of the engineering cost for this project in the amount of \$104,984 which isn't covered by the grant. Russ Kilmer made a motion to approve \$104,984 for engineering fees for the DCED grant, 2nd by Bob Cleveland, motion carried.

ZONING OFFICER'S REPORT

Tom Lowry gave the following report:

PERMIT FEE, ZONING HEARING BOARD AND SUBDIVISION AND LAND DEVELOPMENT RESOLUTIONS

Prepared the draft resolutions and waiting on Council to act. Council agreed that they wanted more time to review the resolutions because some changes need to be made. Council also wants an additional fee added for people that do not acquire permits. Glenn Diehl will look into adding the change and review the resolutions.

RAILROAD CARS WITH ETHANOL

Received a phone call regarding the railroad hauling ethanol and they said it was no different than hauling grain and that they were covered by federal regulations. I told the railroad to demonstrate that the federal regulations exceed the state requirements in writing outlining where it states they are exempt. The railroad has not sent a response.

FINANCE COMMITTEE

APPROVE THE BILLS TO BE PAID

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

APPROVE FINANCIAL STATEMENTS

Fred Bryan made a motion to approve the financial statements, 2nd by Russ Kilmer, motion carried.

APPROVAL OF MINUTES

Russ Kilmer made a motion to approve the minutes from February 19, 2008 and February 26, 2008 sent out by e-mail as written, 2nd by Steve Frye, motion carried.

MAYOR'S REPORT

Mayor Howell gave the following report:

GRANT APPLICATION-BOROUGH BUSINESS SIGN

Received the \$10,000 grant that we applied for. The grant is for a new Borough business sign and four gateway signs coming into the Borough.

GRANT APPLICATION FOR THE LED LIGHTS

We received the grant for the multi-municipal shared grant. We asked for \$63,000 and they are going to give us \$50,000. Kathy from Representative Ross' office called today and Senator Pileggi and Representative Ross wants to make up the \$13,000 difference.

Bob Cleveland said he had a question for Mayor Howell. Back in June, you had a meeting with Chris Ross and Chris Ross said he was going to help the Borough with the money to get the emergency flashing lights for the firehouse. Has he come through with this? Mayor Howell said that Representative Ross said there is no money out there for the lights and she even e-mailed Allen Beiler who is the Secretary of Transportation and he said there is no grant money. Russ Kilmer said if we are putting in LED lights we should also make the flashing lights in front of the fire company LED. Council agreed. Mayor Howell said the LED lights should pay for themselves in three years.

PERSONNEL COMMITTEE

Bob Cleveland gave the following report:

1. The Personnel Committee has been asked to remind Council that, per Council vote on January 18, 2005, Becky was given the additional responsibility of Code Enforcement Liaison. All code issues are to be directed first to Becky who will then direct them to the proper channels.
2. There is a class pertaining to the Pennsylvania Open Records Act to be held in West Chester on April 29th. The cost is \$35. Becky would like to attend. Council approval is needed. Russ Kilmer made a motion to approve the Secretary to attend the April 29th class, 2nd by Bob Cleveland.

STREET LIGHTS

Russ Kilmer said the fire department is requesting that a street light be installed at the entrance to the fire house because it is dark and you miss the driveway. The Secretary will contact PECO.

PUBLIC SAFETY COMMITTEE

Russ Kilmer gave the following report:

POLICE ADDENDUM

Spoke with the Police Committee and we discussed the situation in the Borough and spoke with Brian Sheller and he was to send another contract with an addendum changing the termination period to 30 days. The Secretary said that we didn't receive a revised contract. Mr. Kilmer said Chief Sheller spoke to the Parkesburg Council President and he said to change it to 30 days the same as it was in the original contract. Russ Kilmer made a motion to make the change to from 180 days to 30 days to terminate the police, approve the Police Addendum, sign and send it back to Parkesburg, 2nd by Bob Cleveland, motion carried.

POLICE ACTIVITIES

Spoke to Chief Sheller and the officers on duty and asked them to increase their awareness and their concentration on breaking the ordinances and laws in the Borough and they have been addressing those issues.

PROPERTY & EQUIPMENT COMMITTEE

Steve Frye gave the following report:

BOROUGH OFFICE – NEW LOCK

Installed a new lock on the front door. Please see the Secretary if you haven't received a new key.

ROOF LEAK AT WWTP

Repaired the roof leak at the sewer plant. I was able to seal the roof, but there are several large puddles up there holding water. When the weather gets a little better and if Council approves, I will be able to finish it off to be ready for next winter. The Committee will look into the cost of putting on a new roof because it is in bad shape.

NEW GARDEN LIAISON COMMITTEE

President Bryan said a meeting is scheduled with New Garden Township on April 10, at 4:30 p.m.

PARKS, ENVIRONMENTAL & COMPOSTING COMMITTEE

COMPOSTING FACILITY

Steve Frye announced that Dominick will start picking up composting on the third Monday of each month starting April 21st. Russ Kilmer said he has a real concern about the snakes from a safety perspective. We had a problem last year with the snakes so why are we going to use the same process this year and have the same problem with snakes again. Mr. Frye said it is the ideal place for snakes to hide out, but he didn't find any snake skins at all and as long as you keep disturbing the piles, the snakes are not going to be there. Mayor Howell said the composting facility was paid by grant money and we have to operate it as a composting facility for the life of the equipment, the dump truck and the chipper, or give it back to the State. Mr. Kilmer said he understands that, but he doesn't want to see anyone get bitten by a snake, if there are no snakes then we should keep operating it.

ANNOUNCEMENT

President Bryan announced that The Planning Committee meeting and the Water and Sewer Committee meeting are cancelled for April 22, 2008. The meetings will be held on April 15, 2008.

Russ Kilmer made a motion to adjourn the meeting at 7:45 p.m., 2nd by Bob Cleveland, motion carried.

Respectfully submitted,

Becky Brownback
Borough Secretary