

**AVONDALE BOROUGH
COUNCIL MEETING
November 25, 2008**

Members Present: Fred Bryan, Glenn Allen, Bob Cleveland, Patrick Harrison, Steve Frye, Sali Cosford Parker **Absent:** Pat Longen

Guests Present: Jamie MacCombie, Dave Friedman, Pete Lau, Nick Fabbriatore, Bill Reilly, Glenn Diehl, Jerry Poe, Charles Wilkinson, Mike Shiring, Bill Romanelli

After the Pledge of Allegiance, President Bryan called the meeting to order at 6:20 p.m.

WILKINSON PROJECT – RESOLUTION #2008-11

Glenn Diehl gave the following statements:

This resolution is basically changes to the series of resolutions that have already been approved. The Conditional Use Resolution that was approved with terms and conditions is incorporated into this resolution. All of the terms and conditions that still survived from the preliminary plan approval are in this resolution. This document is based on Resolution 2007-12 which was the conditional plan approval for the whole project. All this does is carve out the Thompson/Brown section and lets it be a first phase and adjusts the timelines and applicable regulations so we can move forward with one of the projects. The resolution is in good shape to approve and it does not change the concept of the design in any way from the conditional final plan approval other than adding the final engineering design components to it and modifying some of the detail for landscaping, light fixtures and that sort of thing. The resolution states all the terms and conditions the Borough has identified, provides financial security for all of the things that need financial security and it will have the effect of liberating up the assets to proceed with the project.

Jamie MacCombie gave the following statements:

Reviewed the Resolution and is okay with it. In the resolution it does specifically spell out the conditions of approval of Thompson/Brown in addition to making certain modifications with regard to the overall project. This resolution does not change the zoning for the commercial section. It does not change the square footage of the townhouse units. It does state the timeline to install the flashing warning signals by March 31, 2009. It does state the timeline to provide funding for half of the meters. It does state the timeline for construction for the bid proposal for the well head protection.

There was concern whether or not the property could be serviced by water. When the conditional use was granted, the Borough did not know whether it could provide adequate water or if a connection to CWA was needed. Based on the analysis of the water system, it was determined that the existing water lines that front Thompson/Brown are sufficient to provide domestic water service to that development. The other issue was that Wilkinson wanted to make sure the water would not be contaminated by flooding and this is where the well head protection item came in play. In the resolution, it requires Wilkinson to do that construction and requires Mr. MacCombie's office to provide documentation for bidding purposes for well head protection and he is in the process of finalizing that. The resolution states that as long as we put the well head protection project out to bid prior to March 31, 2009, Wilkinson will not pursue a temporary water connection to CWA. They wanted this in the Resolution just in case something unforeseen happened, but he does not see any problems.

There are specific things in the agreement like setting up the escrow agreements that are required and providing financial surety that is required. When you do any development of this nature, the applicant is required to do one of two things; either build the improvements or provide the financial surety to ensure that the improvements are built. In this Resolution, they are going to provide the financial surety which

means they have to put up dollars to construct the roadways, put in the sanitary sewer, put in the storm sewer, sidewalks, curbs, etc... This Resolution only allows Wilkinson to move forward with only the Thompson/Brown section. All other changes are subject to future approval.

Sali Cosford Parker said she is hearing all the good things that are going to happen and asked what risks there are just in the section we are dealing with for the Borough. Mr. MacCombie said the risk you would have is for the project to start and left uncompleted. The resolution has a provision that gives the Borough the right to take the money and have the improvements completed on the project. Obviously, we don't want the site half developed with erosion problems and other things; there are dollars in there to do that. We hold money back from them so that the Borough is not sitting there with an uncompleted project and no dollars to remedy the situation. The way it is covered there is no substantial risk.

Steve Frye asked about the risk to the surrounding properties and the creek. Mr. MacCombie said when Wilkinson went through the process to get approvals; they were a required to file a Condition of Map Revision (CLOMR) which analyzes the flood plain before and after development. When you get a 100 year flood, it is determined what the elevation is in the stream and then is analyzed after the ground is filled in to what that elevation would be. FEMA granted them conditional approval to fill in the flood plain based on the information they provided. After the project is done, they will have to go back and do an As Built Plan and get what is called a LOMR, a Letter of Map Revision that would amend the Borough's flood plain regulations. They were also required to get a NPDES permit which is a National Pollutant Discharge Elimination Systems permit for erosion sedimentation control which has a direct effect on what sediment is going into the White Clay Creek and this had to be approved by the Chester County Conservation District. Wilkinson has a CLOMR, NPDES permit, PennDOT permit, and Planning Modules exemption that was granted from DEP to hook into the Borough's sewer system. The surrounding properties are based on the grading plans; they are to be in compliance with that and that is something that gets looked at during construction to make sure they are doing it according to the plans.

Patrick Harrison made a motion to approve Resolution #2008-11, 2nd by Glenn Allen, Sali Cosford Parker-nay, Bob Cleveland-nay, Steve Frye-nay, Fred Bryan-yea, motion not carried with a 3-3 vote.

Patrick Harrison said he reads the News Journal about developers not going through with projects and he understands the risk going through with a project like this. The Borough needs money for infrastructure; we owe this project to our water and sewer customers and to our taxpayers. Mr. Wilkinson is going through with this project and has far more risk than the Borough and he would like to see this project go through. Mr. Harrison asked Council to reconsider their vote.

Patrick Harrison made a motion to approve Resolution #2008-11, 2nd by Glenn Allen, Sali Cosford Parker said she would like to ask Mr. Wilkinson a question. Ms. Cosford Parker said she has heard from Jamie MacCombie and Glenn Diehl that this piece that we are passing is separate even though this document keeps referring to the entire project. Ms. Cosford Parker said he wants to know if Mr. Wilkinson's understanding is that it is indeed separate and it does not tie us up any further in terms of what might be developed for the remainder of the project because of the different things that are going to happen with the quarry area. Ms. Cosford Parker asked Mr. Wilkinson if this was his understanding. Mr. Wilkinson said this approval here is tying him to Thompson/Brown and doing those improvements and the quarry section has to come back to Council for approved and voted on. President Bryan said there was a motion on the table and seconded, Sali Cosford Parker-yea, Bob Cleveland-yea, Steve Frye-nay, Fred Bryan-yea, vote was carried with a 5-1 vote.

BOROUGH ENGINEER'S REPORT

Jamie MacCombie gave the following report:

NEW GARDEN TOWNSHIP REQUEST

Responded to New Garden Township request for a feasibility study. We are in the process of working on this.

GRANT APPLICATION

A resolution needs to be passed regarding application for water line replacements on First Street.

BOROUGH SOLICITOR'S REPORT

Glenn Diehl gave the following report:

2009 TAX ORDINANCE - ADVERTISE

The tax ordinance is fine and it is okay to advertise.

RESOLUTION #2008-12 – GRANT APPLICATION

Patrick Harrison made a motion to approve submitting the grant application to the County's Community Revitalization Program for a stormwater project, 2nd by Steve Frye, motion carried.

FINANCE COMMITTEE**CHRISTMAS BONUS FOR EMPLOYEES**

Glenn Allen said every year we give the Secretary and the Treasurer the opportunity to receive one day's pay or one day off for a Christmas bonus. Glenn Allen made a motion to provide Becky Brownback and Sandy Masten with the opportunity to get a day's pay or one day off, 2nd by Steve Frye, motion carried.

WATER AND SEWER COMMITTEE

Bob Cleveland gave the following report:

METER READER – SUBSET SOFTWARE

The Borough needs to purchase a subset of software from Harris Computer. It is interface software for the automatic meter reading system. Michelle Steel got a reduction of \$800.00 so the cost is now \$1,650.00. In the agreement, it states that it is \$950.00 a day for professional services, instead of \$1,250.00 that is quoted. The Secretary will call Harris to find out the discrepancy. Bob Cleveland made a motion that the Borough make an expenditure up to \$1,650.00 for subset of software to automatically read the meters, 2nd by Patrick Harrison, motion carried.

PROPERTY & EQUIPMENT COMMITTEE

Steve Frye gave the following report:

BOROUGH BUSINESS SIGN

The Committee had a discussion on the yearly fee for the business sign and from what they gathered, the businesses pay for their own sign and they are responsible for the upkeep. At this point and time we feel that it is best to let them go without a yearly fee, but we want to draft a letter to send to every business on the sign stating that we are going to continue to let them put up their signs for free as long as they maintain the signs. In the future if there are no grants available to fix the structure, we will be asking for donations or their help to have it repaired.

CHRISTMAS TREE LIGHTING CEREMONY

Steve made a motion to approve the use of Borough Hall for the Christmas Tree Lighting, 2nd by Sali Cosford Parker, motion carried.

Bob Cleveland made a motion to adjourn the meeting at 7:10 p.m., 2nd by Glenn Allen, motion carried.

ANNOUNCEMENT

President Bryan announced that there will be an executive session after this meeting to discuss personnel matters.

Respectfully submitted,

Becky Brownback
Borough Secretary