

**AVONDALE BOROUGH
COUNCIL MEETING
March 17, 2009
6:00 P.M.**

Members Present: Fred Bryan, Glenn Allen, Bob Cleveland, Fred Hessenauer, Pat Longen, Steve Frye, Sali Cosford Parker

Guests Present: Mayor Howell, Jamie MacCombie, Glenn Diehl, Bill Reilly, Pete Lau, Michelle Steele, Dave Friedman, Bill Romanelli, Jerry Poe, Everett Butcher, Jr., Danny Rosazza

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

PUBLIC COMMENT

DANNY ROSAZZA – WILKINSON PROJECT

Mr. Rosazza said he would like to talk about the property on Third Street (Wilkinson Project – Thompson/Brown Phase) because he has a couple of issues with it. The number one issue is flooding. There has been a dam wall built from Third Street out to the little stream which is about five feet high and will prevent any water coming down the White Clay from spreading out to what used to be a field. (Mr. Rosazza showed some pictures). The water has no place to go if it floods and it is going to be dammed up by the Third Street Bridge and go onto his property and the church property. This is an environmental issue and it should have been looked at long ago.

Jamie MacCombie answered Mr. Rosazza's question:

The applications and documentation were reviewed by his office. Before Wilkinson could fill in a flood plain, they had to get approval from the State and Federal Agencies. FEMA approved the application and issued a CLOMR (Conditional Letter of Map Revision), which allows them to fill in the flood plain. It was reviewed and approved by the DEP under Chapter 105 to fill in the flood plain. DEP also issued approval to fill in next to the stream which is outside the scope of the Borough's ability to stop them because FEMA also approved it. Approval was received from the Chester County Conservation District and they issued a NPDES permit for the project. Not only did the Borough take concerns as far as flooding, it was looked at by the Borough on several occasions and comments were made with what Wilkinson was proposing and asked for revisions. Revisions were made and applications were submitted to FEMA and they were issued the CLOMR. When the project is finished, they are required to re-survey it and file another application with FEMA for a LOMR (Letter of Map Revision) indicating that it does not have any adverse effect on the adjacent properties or the stream. Mr. MacCombie told Mr. Rosazza if he is disputing these approvals then he needs to contact the State and Federal Agency's.

Steve Frye said he has seen the creek flood plenty of times half way up to where they are building the development. Mr. Frye said he was down at the Third Street Bridge and with the way it is built up, every time the creek floods there is no where for the water to go but onto Danny's property.

Everett Butcher, Jr. said it was stated that the Borough does not have precedent in the Borough's code so it falls within the State. Mr. MacCombie said what happens is if the Borough has in their regulation that you can not fill in the flood plain you would have to go to the Zoning Hearing Board to get permission. The Borough does not have anything in the code that says you can not fill in the flood plain so the State's regulations and FEMA's regulations prevail.

Mr. Butcher asked if the Borough is considering implementing regulations dealing with the flood plain. Mr. MacCombie said the Borough has flood plain regulations, but the regulations are in concert with the minimum regulations that FEMA requires, in essence, you can not build a house in the flood plain if it is lower than the flood elevation. You have to be a foot to a foot and a half above the lowest floor elevation of any structure in the flood plain to meet federal regulations otherwise; it jeopardizes everybody in the Borough's ability to get flood insurance. The Borough could modify their ordinances and pass more stringent regulations as far as development and the Borough has every right to do that.

EEMA REPORT

Bill Reilly gave the following report for February 2009:

WASTEWATER TREATMENT PLANT

Wastewater Treatment Plant Flows:

| | |
|--------------------|-------------------|
| Total Monthly Flow | 6,957,000 gallons |
| Daily Flows Min. | 38,000 gallons |
| Daily Flows Max. | 531,000 gallons |
| Daily Flows Avg. | 248,000 gallons |

New Garden Township Weekly Flows (Average Gallons/Day)

| WEEK | Jan 28 – Feb 4 | Feb 4 – 11 | Feb. 11 - 18 | Feb 18 – 25 | Feb 25 – Mar 4 |
|------------------|----------------|------------|--------------|-------------|----------------|
| ROUTE 41 | 39,900 | 37,750 | 38,559 | 39,763 | 37,469 |
| RAIL ROAD | 41,647 | 40,179 | 42,320 | 35,287 | 38,591 |
| Total | 81,547 | 77,929 | 80,879 | 70,050 | 76,060 |

OPERATIONS:

Hauled 6,000 gallons of sludge.

WATER TREATMENT PLANT:

Production Summary:

| Water System | | Well #1 | Gallons/Day | Well #2 | Gallons/Day |
|----------------------|-----------|---------|-------------|---------|-------------|
| Total Well #1 | 2,381,000 | Minimum | 42,200 | Minimum | 12,400 |
| Total Well #2 | 578,900 | Maximum | 156,200 | Maximum | 38,600 |
| Total: | 2,959,900 | Average | 85,036 | Average | 20,675 |
| Avg. gpd | 105,711 | | | | |

Water Actions:

- Total Water Action – 11 Shut Offs
 - 318 E. Third Street
 - 209 Chatham Street
 - 306 E. Third Street
 - 501 Pennsylvania Avenue

- 504 Pennsylvania Avenue
- 118 E. Second Street
- 107 Chatham Street
- 430 Minor Street
- 302 Church Street
- 403 Thompson Street
- 400 Chatham Street

FACILITIES MAINTENANCE REPORT:

Wastewater Treatment Plant

- DynaTech performed preventive maintenance on generator.

Collection and Distribution System

- 23 PA 1 Calls
 - A higher number of PA One Calls due to construction on Church Street and at the plant. PA One Call regenerates the request every 10 days.
- 401 Thompson Street – Meter is damaged and leaking due to resident not having adequate insulation. When meter was first installed it was protected. Resident has stated she has purchased the installation and she will install it same time as new meter is installed. Will schedule to install.
- 120 East 2nd Street – Water Leak. Fixed February 26th.
- 41 and Baltimore Pike at light – Water leaking on 41 under light. This leak was fixed.
- 505 Pennsylvania Avenue – Line inside resident’s home backing up. Fixed on March 6th.
- Installed new air valve for distribution system near north Well House. Hopefully this will solve complaints from resident on State Street with air in their lines. Since installation no further complaints.

PERMIT VIOLATIONS:

No permit violations for the month.

WATER METER UPGRADE

As of February 2009, 249 water meters have been installed.

CURB STOP LOCATION PROGRAM

Continuing to locate curb stops.

BOROUGH SOLICITOR’S REPORT

Glenn Diehl gave the following report:

RESOLUTION #2009-05 – REVIEW FEE’S & ESCROW AMOUNTS

Fred Hessenauer made a motion to adopt Resolution #2009-05, 2nd by Sali Cosford Parker, motion carried.

BOROUGH ENGINEER’S REPORT

Herb MacCombie gave the following report:

WILKINSON PROJECT

There was a pre-construction meeting held with the Chester County Conservation District and they gave Wilkinson the approval to move forward with the project. The Conservation District will be doing periodic reports and inspections.

I & I STUDY

There were a lot of problems getting the first manhole repaired; once this is done they will be able to move rapidly and cross the creek. We received a letter from DEP requesting an influent meter be installed at the treatment plant by the end of the year. We are in the process of trying to figure out where to place the meter. This project is on hold until they can come up with a resolution.

WATERLINE REPLACEMENT ON STATE STREET

We received nine bids and the lowest bid was received by Anrich, Inc. in the amount of \$681,160.00. Reviewed the bid documents with regard to that and Anrich satisfied the bid requirements as far as the bid bond and their qualifications. Wrote a letter to Council with recommendations on the project because the fact that the grant is in the amount of \$499,000.00 and the bids came in higher there are certain portions of the project that he is recommending to take out. Mr. MacCombie said his recommendation is to complete the project to 50 feet east of Pomeroy Avenue in the amount of \$493,147.50 which is less than the grant. Council will review the letter and Mr. MacCombie will call Anrich, Inc. to discuss the modification of the project.

CHAPTER 94 REPORT

The report will be completed by the next meeting.

ZONING OFFICER'S REPORTCOMPREHENSIVE PLAN & ZONING ORDINANCE UPDATE

Steve Frye said according to the minutes we have already been through this with the Comprehensive Plan. In February 2008, Council agreed to have Tom Lowry and Glenn Diehl work on updating the Zoning Ordinance. In April's meeting, Council approved Mr. Lowry to start working on the update. Mr. Frye said he doesn't understand why we are going back to the plan when we already gave permission to Mr. Diehl and Mr. Lowry to work on updating the zoning. Mayor Howell said the Comprehensive Plan is different than the Zoning Ordinance. The Comprehensive Plan should be updated every ten years. We visited this before and elected not to spend money with the County because there were no changes. There were only about three paragraphs in the whole plan that needed changes. Now we should revisit it because of the Wilkinson Project. Jamie MacCombie said the way the laws are changing he believes it is prudent to amend the Zoning Ordinance first. Council discussed the Comprehensive Plan and Zoning Ordinance updates.

Bob Cleveland made a motion not to pursue the Comprehensive Plan and have Tom Lowry and Glenn Diehl work on the Zoning Ordinance update, 2nd by Pat Longen, motion carried.

FINANCE COMMITTEEAPPROVE THE BILLS TO BE PAID

Glenn Allen made a motion to approve the bills to be paid up to March 17, 2009 with the exception of Municipal Support Services, 2nd by Pat Longen, motion carried.

APPROVE FINANCIAL STATEMENTS

Glenn Allen made a motion to approve the financial statements, 2nd by Steve Frye, motion carried.

APPROVAL OF MINUTES

Pat Longen made a motion to approve the minutes from February 17, 2009 and February 24, 2009 Council meetings, 2nd by Bob Cleveland, motion carried.

MAYOR'S REPORT

Mayor Howell gave the following report:

LED LIGHTS GRANT STATUS

We had to throw the bids out and re-bid. One company complained that the project should have been bid with prevailing wage. The project will now be bid non-prevailing wage for changing the light bulbs and prevailing wage for the electrical work. The goal is to stay under the grant money because if both are bid prevailing wage there will not be enough grant money to install the lights.

COMMUNITY SERVICE

Mayor Howell said Connie Artwell called her about community service. Mayor Howell said she told Ms. Artwell she would bring it up at the Council meeting. Mayor Howell said we do not have anyone to manage the community service program and this was done a couple of times but didn't work out. After some discussion, Council decided to forego community service in the Borough.

EMERGENCY MANAGEMENT COORDINATOR

Bill Shore gave the following report:

Mr. Shore said he would like to request \$500.00 from the Borough for Fire Prevention Week to be taken out of his budget for 2009 and transferred to the Avondale Fire Company. Fire Prevention Week starts October 4th. This money will be used to purchase information to circulate at the schools the week of October 4th. Council approved the transfer of the fund.

HISTORICAL COMMISSION

Sali Cosford Parker gave the following report:

One of the ongoing activities that the Historical Commission is doing is to have a brief presentation or educational time at every Historical Commission meeting. Recently, we had Delores Rowe in and she gave a real interesting presentation on her local postcard collection.

The Commission decided they didn't want to use the Avondale Logo for their logo so we are in the process of running a contest with the Avon Grove High School students to design a logo. The submissions are due by the end of March. The Commission will determine which one they like at the April meeting.

STREET AND STREET LIGHTS COMMITTEE

Bob Cleveland gave the following report:

- Dominick will be applying some stone on Keating Alley this week. Pot holes were repaired on State Street and Pomeroy Avenue.
- Pomeroy Drive was smoothed and dragged and holes were filled. The Borough does not know who did the work. It was not authorized by the Borough and it is Borough property. The Streets Committee is looking into this matter.

WATER AND SEWER COMMITTEE REPORT

Bob Cleveland gave the following report:

1. The Solicitor still has not received the easement agreement between 101 Fourth Street and 320 Chatham Street.

PROPERTY & EQUIPMENT COMMITTEE

Steve Frye gave the following report:

BOROUGH DOCUMENTS STORAGE AREA

Sali Cosford Parker will have a cost estimate to fix up the brick building to use as a storage area for the Borough's documents by the next meeting.

USE OF THE BOROUGH OFFICE

The Committee had a discussion with the Borough Solicitor on this matter and Mr. Diehl said that the purpose of the Borough Building is intended for nothing else but to conduct Borough business. There are other issues and security issues with people using the building. The Committee met today and we are recommending to Council to stop the use of the Borough Building until we put a policy in place. Steve Frye made a motion that no one use the Borough Building until a policy is put in place, 2nd by Bob Cleveland, motion carried.

THE DIGITAL RECORDER STOPPED RECORDING AT THIS POINT**EARNED INCOME TAX COMMITTEE**

President Bryan said a second notice was sent to those who did not respond to the first notice.

OLD BUSINESS**YOUTH COUNCIL PROGRAM**

Sali Cosford Parker said she would like to postpone this program until the year 2010.

NEWSLETTER COSTS

Sali Cosford Parker made a motion to approve spending up to \$1,000.00 for the Borough's newsletters for 2009, 2nd by Pat Longen, motion carried. Mrs. Cosford Parker agreed to pay any cost overruns out of her own funds. A schedule for the newsletter will be sent out next week.

ANNOUNCEMENT

President Bryan announced that there will be an Executive Session after this meeting to discuss a legal matter and a real estate matter.

Pat Longen made a motion to adjourn the meeting at 7:55 p.m., 2nd by Sali Cosford Parker, motion carried.

Respectfully submitted,

Becky Brownback
Borough Secretary