

**AVONDALE BOROUGH
COUNCIL MEETING
August 16, 2005**

MEMBERS PRESENT: Jay Pusey, Fred Bryan, Bob Cleveland, Russ Kilmer, Pat Longen, Rose Ann Swift absent: Jerry Poe

GUESTS PRESENT: Mayor Howell, Glenn Diehl, Walter Barcz, Mike Short, Lewis Christy, Bill Ronyack, George Smith, Harold Brown, Howard Thompson, Bill Webb, Barry Thompson

After the Pledge of Allegiance, President Pusey called the meeting to order at 6:30 P.M.

ANNOUNCEMENT

President Pusey announced that an Executive Session took place prior to this meeting to discuss legal matters.

ZONING OFFICER'S REPORT

Tom Lowry gave the following report:

BUILDING & ZONING

- Two inspections were performed. Ten inquiries were received. One permit was issued in July; a fence.
- 318 Pennsylvania Ave. – A complaint was received regarding a speed limit sign, drain pipe over the walk. A letter has been sent.
- 91 Pennsylvania Ave. – A letter was sent to the property owner regarding the operation of a mechanic's garage on the property. The owner responded with a copy of the lease stating the garage was for storage only. A check of the property indicates that the business is closed down and the vehicles removed.
- Use & Occupancy Ordinance – Council has directed the Zoning Officer to prepare a letter for rental inspections. The definition of Family is advertised for a public hearing and possible adoption.
- Smith Contractors – The Zoning Hearing Board continued the Hearing to September 7, 2005 at the request of the Applicant. The application has been received to appeal the Zoning Officers Cease & Desist Order. The Order was given due to non-compliance with the original Decision from the Zoning Hearing Board and the owner performing work without the applicable permits.

CODE ENFORCEMENT

- Cars – Site visits were made to address specific junk cars. One has been removed. Some of the vehicles have been removed. Additional letters will be sent.
- Weeds – The owner of a lot on Pennsylvania Ave. is cutting the grass/weeds.

SMITH ZONING HEARING – 301 PENNSYLVANIA AVENUE

Glenn Diehl gave a synopsis of the Hearing: In 2002, the applicant (Dr. Peter Rizzotte) had a 400 square foot dental office and two rooms down stairs and he lived in the rest of the house. The applicant wanted to sell his house as a dentist office on the first floor and an apartment on the second floor. The Zoning Hearing Board approved this. The house was not sold to a dentist. Presently, Smith Contractors occupies part of first floor and two rooms upstairs and the apartment occupies the other part of the first and second floors. The best way to address this issue is for Mr. Smith to go to the Zoning Hearing Board and get the “use” that he is actually doing approved. The relief the Zoning Hearing Board granted back in 2002 had a time clock for six months, which means that decision does not exist. There was no Use and Occupancy permit issued for the current use and no real inspections were done so we have a use that is no where on any record as being authorized. Glenn said his recommendation is to get the zoning part of it squared away and Tom will take care of the building inspections. Mr. Smith needs to proceed with an amended application. Council will address any issues they have in Executive Session.

BOROUGH SOLICITORS REPORT

Glenn Diehl gave the following report:

WILKINSON-DUPONT SUBDIVISION

Wilkinson still has not supplied the note that still needs to be on the plan. The note will state that no non-conforming zoning parcel would be created. Glenn advised Council that they could approve the plan with the condition that the note is added to the plan. Fred made a motion to approve the plan with the condition, 2nd by Russ Kilmer, motion carried.

WILKINSON I & I STUDY

Wilkinson has not started the study until there is a resolution to the New Garden sewer agreement. Glenn said he will check the Conditional Use Decision to see if this was agreed between Avondale and Wilkinson.

PUBLIC HEARING–ORDINANCE #211–TAPPING FEES FOR WATER AND SEWER

President Pusey opened the meeting for a Public Hearing. Glenn said the sewer tapping fee is \$2,628.00 and the water tapping fee is \$3,608.00 per dwelling unit. These numbers are based on the compliance of Act 57 that is an amendment to Municipal Authorities Act tapping fee section. The methods of calculation are all spelled out in the Statute. The fees have been calculated to the statute considering conveyance, distribution and treatment. The Ordinance also has in it the procedures for determining additional tapping fees, the methods for payment and administrative matters associated with electing and enforcing the tapping fees.

President Pusey asked if there were any public comments

Howard Thompson said about 18 years ago, he paid \$50.00 for a hook-up and asked if that was still valid. Mr. Diehl said there are two different kinds of things you can pay. One of them is called a connection fee and that is actually having the connection inspected. The other one is the tapping fee which is basically your proportional contribution to the total cost of the system based on how much you are using. Basically, all the people that are connected already paid for the

system, so when you connect there are two things you have to do: 1) pay for the cost of the physical connection and that is the connection fee, and 2) The tapping fee is the buy-in cost for how much you are using the system. Glenn said Mr. Thompson should get a credit for whatever he paid. Mr. Thompson said he will bring the paperwork so the money that he paid can be clarified.

Russ Kilmer made a motion to adopt Ordinance #211, 2nd by Fred Bryan, motion carried.

President Pusey closed the Public Hearing and the Council meeting was re-opened.

MILLER ENVIRONMENTAL REPORT

Mike Short gave the following report:

Monthly Water Production – 3,383,100 gallons / average daily flow – 109,132 gallons

Monthly Effluent Flow – 12,164,000 gallons / average daily flow – 392,000 gallons

New Garden Flow – 3,601,520 gallons / average daily flow – 120,825 (6/29/05 to 7/27/05)

Unaccounted Monthly Wastewater Flow – 5,179,380 gallons (42.6%)

NPDES Violations – 2 – The violations were for exceeding the average monthly loading and average monthly concentration for ammonia nitrogen.

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

- Gaebel Construction replaced 260 feet of water line on Morris Street that supplies 121 Morris Street and Verizon. A new curb box was also installed at 1st and Morris Street.
- Repaired water meter at 401 New Street.
- Reread water meter at 107 Chatham Street.
- Performed four PA One Calls throughout Borough.
- Continued spraying Sodium Hypo-Chlorite onto the sludge holding tank and stopped putting air into the sludge holding tank to prevent possible odors.
- Started adding Sodium Hypo-Chlorite to plant influent as a test to control possible odors.
- Fire extinguishers were inspected and all extinguishers were hydro tested and serviced.
- Received IPP sample results from AMT and Edlon. The IPP report was completed.
- Attended construction meetings for new plant.

IPP REPORT

American Manufacturing Technologies exceeded the parameters for Copper, Iron and Zinc. Edlon Industries exceeded the parameters for Copper and Iron. These numbers are actually in the water system, the actual ordinance limits are higher than the water system. In the past, Council chose to take no action. The report will be completed by the next Council meeting.

MORRIS STREET – BLACKTOP

Gaebel Construction would like some direction from Council on how to restore Morris Street after the water leak. George Smith said Mike will get a quote from Gaebel Construction on

feathering in the black top or cutting the black top and squaring it in. Council approved to leave it up to the Street's Committee discretion to make a decision on the restoration.

AVONDALE - LONDON GROVE TOWNSHIP – WATER CONNECTION

Spoke to Gaebel and he will need to do a preliminary dig before he can give a quote on project. Mr. Gaebel has a good idea what is on the London Grove Township side but no idea what is on Avondale's side. The Water and Sewer Committee will discuss this issue and make a recommendation to Council.

RESIGNATION – JOE DIMATTEO

Joe DiMatteo has resigned from Miller Environmental and Mike Short introduced Lew Christy as the new Project Manager and Bill Ronyak as the Operations Manager for Avondale.

ENTECH REPORT

Walter Barcz gave the following report:

STATUS OF HENSON AND MAPLE STREETS PROJECT

Melchiorre has been waiting on manholes, which need to be manufactured to precise project dimensions. The manholes are expected on Tuesday, and then construction will begin. Since the sanitary sewers are the deepest utility, they will be started first. The County has been contacted and they know exactly what is going on. Because of the scarcity of water valves, the neighborhood will be without water for the better part of one day. The Secretary will be contacted so that she can notify the residents of the water shut off.

GROWING GREENER GRANT

The second Growing Greener check has been received and with it, the payments total the entire grant amount of \$500,000.

APPROVAL OF WALABAX PAYMENT #7 - MONACACY PAYMENT #3

Fred Bryan made a motion to approve Walabax payment #7 for \$249,098.40 and Monacacy payment #3 for \$32,917.39, 2nd by Russ Kilmer, motion carried.

1 MILLER DRIVE

Sent Mr. Cummings installation guidelines and it is just a matter of working things out with the plumber so that he knows exactly what needs to be done.

MS4 STORMWATER

Waiting on DEP's comments.

FINANCE COMMITTEE

Fred Bryan gave the following report

AUDITOR RECOMMENDATION

The Auditor recommended that the same person maintaining the books should not be the signer on the checks. The Finance Committee is recommending to Council to replace the Treasurer as a check signer with the Secretary or someone else on Council. Russ Kilmer made a motion to take

off the Treasurer and add the Secretary as a check signer, 2nd by Fred Bryan, motion carried. Fred said he wants to make it clear that the Treasurer will sign the checks until the bank process is completed.

APPROVAL OF BILLS TO BE PAID

The Finance 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, 2nd by Russ Kilmer, motion carried.

APPROVAL OF FINANCIAL STATEMENTS

The Finance Committee reviewed the financial statements and recommend that Council approve them. Fred Bryan made a motion to approve the financial statements, 2nd by Russ Kilmer, motion carried.

APPROVAL OF MINUTES

Pat Longen made a motion to approve the minutes from July 19, 2005, 2nd by Bob Cleveland, motion carried.

MAYOR'S REPORT

Mayor Howell gave the following report:

WHITE CLAY CREEK RESTORATION PROJECT

A final walk through was done by F.X. Browne and Enviro-Air Technologies and all work was installed according to the plans and specifications. Enviro-Air will return in the Fall to reseed and plant a few of areas that are poorly vegetated. Some of the recently seeded and planted areas were mowed by the Borough and have died as a result. The Secretary notified Dominick not to mow at least 20 feet from the top of the streambank in all areas.

Russ Kilmer said there was a lot of stuff left from the project site by the contractor and the Secretary called Wilkinson to see if they would donate one or two dumpsters. Wilkinson agreed and it ended up being four dumpsters. Some of the local residents decided to dump trash in one of the dumpsters and it had to go to the landfill, which cost \$1,206.00. Because the trash was mixed in with the brush, the dumpster had to go to SECCRA. The entire bill came to \$2,686.00 when Wilkinson thought it was going to be around \$400.00. Mayor Howell said the debris was suppose to be hauled away by Fritz Gaebel as part of in-kind services for the grant, but Mr. Gaebel reneged on his donation and the Borough had to provide the service. Bob Cleveland said Dominick told him that the contractor put all kinds of stumps in the center and put wood chips around it so it looked like it was one big pile of chips so that is why it took more loads than expected. Russ said his personal opinion is that we told Wilkinson that it should take one or two dumpsters and we should not expect Wilkinson to pay the entire amount. Russ Kilmer made a motion to contact Wilkinson to see how much he is willing to donate to the project and the Borough will pay for the rest, 2nd by Pat Longen, Fred Bryan – yea, Rose Ann Swift-yea, Bob Cleveland-nay, Jay Pusey-yea, motion carried by a 4-1 vote.

FALL FESTIVAL

The Fall Festival is scheduled for October 15, 2005 rain or shine. There is going to be a live band, craft tables, etc. Prizes are being donated by local businesses.

STREET AND STREET LIGHTS COMMITTEE

Bob Cleveland gave the following report:

OLD BUSINESS

1. Council received a letter from PENNDOT regarding the State Street Bridge.
The horizontal clearance signs need to be reset per standards, and the deteriorating concrete deck needs to be repaired.
Streets Committee spoke with the Borough Solicitor regarding the ownership of the bridge, and he is investigating.

NEW BUSINESS

1. There are currently 7 Abandoned/Expired/Inoperative vehicles in the Borough. Letters were sent to the residents. C.E.O. has tagged several of the vehicles.
2. The garage at 91 Pa Ave, being used as an unauthorized auto repair business, has been closed down by the CEO and the vehicles have been removed.
3. A.S.C. Inc. of Chester Heights, PA has completed the street striping project except for the crosswalk from Pomeroy to State at the Avon News Agency. They forgot it, and will return to complete the work.
4. The Henson/Maple Street Project is progressing, and will be discussed in the Borough Engineer's Report.
5. Dominick "refreshed" the road striping at the intersection of State Road and Clay Creek Road.

PUBLIC SAFETY COMMITTEE

Russ Kilmer gave the following report:

POLICE ACTIVITIES

The increased hours have really paid off; they have gotten numerous open containers arrests, drunken driving arrests and a felony arrest. Residents have given positive comments about the increased hours and the police have made some significant strides by keeping the incidences of undesirable behavior at a minimum in the Borough. Starting in September, they will go back to their regular hours.

WATER AND SEWER COMMITTEE

Russ Kilmer gave the following report:

MILLER ENVIRONMENTAL EMERGENCY CONTACTS

Since last month's incident with the sinkhole from the water leak on Morris Street, Miller Environmental has provided the Borough with a list of Gaebel Construction emergency contacts.

PARKS AND COMPOSTING FACILITY COMMITTEE

Pat Longen gave the following report:

THIRD STREET PARK

Trash is still being thrown on the ground and the graffiti is still an issue at the park. Graffiti was removed from the benches, trashcans, basketball court and signs. Benches will be moved to the play equipment area.

COMPOSTING FACILITY

Committee will coordinate with Dominick about getting the compost turned.

EARNED INCOME TASK FORCE

The Committee will meet next week to go over the returned questionnaire forms.

PUBLIC COMMENT

HAROLD BROWN

Dominick did a good job getting rid of the trash and debris from the Third Street Park, but now it is muddy and grass seed needs to be put down. Russ Kilmer said the Park Committee is working on this issue.

Russ Kilmer made a motion to adjourn the meeting at 8:05 P.M., 2nd by Pat Longen, motion carried.

Respectfully submitted

Becky Brownback
Borough Secretary