

**AVONDALE BOROUGH
COUNCIL MEETING
APRIL 19, 2005**

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

GUESTS PRESENT: Mayor Howell, Glenn Diehl, Tom Lowry, Jamie Mac Combie, PJ Close, Walter Barcz, Joe Riper, Charles Wilkinson, Bill Romanelli, Mike Shiring, Joe DiMatteo, Cecil Hallman, Harold Brown, Howard Thompson, Ed Brown, Cheryl Brown, William Rhodes, Tom Staats, C.Smith, C. Saffa, V.Smith, Elizabeth Baker, Isaiah Baker, Jr., Anthony DeJoseph, Tony Tsaganos, Michael Hallman, Charlotte Ferraro, Mr. & Mrs. Raymond Davis, Purnell Anderson, William Jackson, Patrick Harrison, Chip Ramberger, Dominic DeDominic, Beverly Pedroza, Carlos Pedroza, Rob Walters, Dana Tinnin, Jean White-Butler, Frank Hannig, Barbara Hannig, Thane Prigg, Bill Webb,

After the Pledge of Allegiance, President Pusey called the Conditional Use Hearing to order at 6:30 P.M. This meeting took place at the Avondale Fire Hall.

WILKINSON DISTINCTION L.P. CONDITIONAL USE HEARING

The hearing took place from 6:30 P.M. to 9:20 P.M. The hearing was closed and continued until May 4, 2005. A transcript of the hearing will be attached to these minutes.

President Pusey called the Council Meeting to order at 9:30 P.M.

ZONING ORDINANCE AMENDMENT #209

Rose Ann Swift made a motion to adopt Ordinance #209, 2nd by Jerry Poe, motion carried.

NON-ELECTORAL DEBT ORDINANCE #210

Glenn Diehl explained the proposed ordinance:

This ordinance is for the approval of the Borough to borrow one million dollars from the Delaware Valley Regional Finance Authority (DVRFA). This was compared to two other bank proposals, Fulton Bank and The First National Bank of Chester County. A cash flow and cost analysis was ran of the loan and it appears that if things go as projected in the cash flow analysis, the DVRFA will be the cheapest alternative. The cost for the loan is \$4,000 to DVRFA. There will be a charge from the financial consultant who placed the loan and legal fees associated with it. When the Borough takes the loan, DVRFA will take the \$4,000 out of the loan and the Borough will end up with cash of \$996,000. The hope is that the money will be reinvested at an amount that will exceed the interest rate on the loan. The Borough will pay DVRFA a monthly interest rate based on DVRFA cost to borrow, plus 50 basis points. Last week the interest rate was 2.16%. The loan documents will need to be filed with DCED and it will take 21 days for them to approve the loan. This is basically a cash flow loan to pay contractor bills for the treatment plant expansion until the PennVest money comes in. Fred Bryan made a motion to adopt Ordinance #210, 2nd by Bob Cleveland, motion carried.

ZONING OFFICER'S REPORT

Tom Lowry gave the following report:

BUILDING AND ZONING

- Eleven inspections were performed. Fourteen inquiries were received. Certificates of Occupancy were issued for 9 Miller Drive, 14 Miller Drive, 401 Chatham Street, and 410 Pennsylvania Avenue.
- 300 Chatham Street – Two inspections have been performed to date. Minor deficiencies need to be reinspected.
- Use & Occupancy Ordinance – It is recommended that an Amendment be approved to adjust Certificate of Occupancy requirement to address rental units.
- Permit Fee Schedule – It is recommended and approved to revise the current fee Schedule.

CODE ENFORCEMENT

307 3RD Street – A complaint was received regarding the location of a fence on the property. A second inspection revealed the fence blocks the sight distance from a local church. A letter was sent.

MILLER ENVIRONMENTAL REPORT

Joe DiMatteo gave the following report:

Monthly Water Production – 3,096,900 gallons / average daily flow – 99,900 gallons.

Monthly Effluent Flow – 14,098,000 gallons / average daily flow – 455,000 gallons.

New Garden Flow – 3,579,070 gallons / average daily flow - 127,824 gallons (3-2-05 to 3-30-05)

Unaccounted Monthly Wastewater Flow – 7,422,930 gallons (52.7%)

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

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

- Turned water back on at 315 Pennsylvania Avenue.
- Serviced water meter at building on the corner of West State Street and Pomeroy Avenue (Worldwide Travel)
- Performed quarterly water meter readings for water billing on March 16, 2005.
- Replaced rubber impeller to Teel water reservoir siphon pump and purchased new hoses to discharge water from siphon.
- Completed Consumer Confidence Report related to analytical results and submitted on April 1, 2005.
- Completed and submitted Annual Water Supply Report on April 8, 2005.
- Performed quarterly calibrations on both New Garden Township wastewater meters.
- Continued to attend contractor job conference meeting for Wastewater System Upgrade.

FIRE HYDRANT FLUSHING

The fire hydrant flushing will take place during the early morning hours of April 28th and 29th. The secretary will advertise.

HERITAGE BUILDERS PROPOSAL

Bob Cleveland said he feels that Council should pursue Heritage's proposal. Walter Barcz said that Heritage Builders Group has asked the Borough for an "intent to serve" letter. Walter said if Council wishes to draft something fairly innocent that leaves a little bit of an open door to consider the concept of Heritage using the Avondale facility and pay the Borough whatever it takes to serve the Yeatman Tract. All Council members present were in favor of pursuing the Heritage Builders proposal. Walter and Glenn Diehl will work together drafting a letter for Council's approval. Jay Pusey said there is no cost to the Borough because there is money in escrow from Heritage to pay for this.

ENTECH REPORT

Walter Barcz reported on the following.

STATUS OF HENSON MAPLE BLOCK GRANT

The contract with Melchiorre probably would have been signed by now but the insurance certifications are not up to specifications. Jay Pusey asked if a comparison was done to what they provided as opposed to what is requested. Walter said no but under the general liability they have one million instead of two million. Walter said he will call Melchiorre to see if they will bring their insurance up to specifications and if they do not comply then he will bring a comparison of the insurance to the water and sewer meeting for Council's review.

PENNVEST PAYMENT

Payment #2 for \$583,039.34 has made it to the Comptroller's Office and the payment should be coming in a few weeks.

PAYMENTS TO CONTRACTORS

When the PennVest money comes in, the remaining \$223,515.28 Walabax' payment #2 should be paid for purposes of reimbursement from the Growing Greener grant.

APPROVAL OF WALABAX PAYMENT #3

Fred Bryan made a motion to approve Walabax payment #3 for \$29,060.10, 2nd by Jerry Poe, motion carried.

WALABAX CHANGE ORDER #1 – WAGE RATES

Pre-construction correspondence regarding the Avondale wastewater treatment plant upgrade and expansion addressed Pennsylvania-required changes in Wage Rates. A change order for an increase of \$74,330 needs to be approved. Jerry Poe made a motion to approve Walabax change order #1 for \$74,330, 2nd by Fred Bryan, motion carried.

MS4 STORMWATER REGULATIONS – TASK ORDER 015

Walter asked Council for their approval of task order 015 for \$7,400 for year two of the MS4 Stormwater Regulations. Fred Bryan made a motion to approve task 015, 2nd by Jerry Poe, motion carried.

AVON MOHR SWALES

Walter said he submitted a report on the swales to Council and asked if there were any more discussion on this matter. Council will discuss this issue and decide the next step to take.

CHAPTER 94 REPORT

Walter said the report was completed and sent to DEP.

CDBG GRANT PROPOSALS

Walter said the grant application is due by June 3, 2005 and he asked Council if they wanted to proceed with the application. Walter said if Council wants to do Thompson Street, it would be just a matter of updating the information from the last application. Walter said he will submit the application and no charge to the Borough. Council approved.

NEW GARDEN TOWNSHIP – REPLACEMENT FLOW

Walter said he was authorized by Council to work with New Garden Township to get the remaining 1800 gpd from the DEP approved replacement flow from NGT. Bob Cleveland said there seems to be a lot of hookups for the 1800 gpd left, a CVS, two houses and an office building. Jay Pusey said he would not be comfortable signing off on something that is not realistic. Council asked Walter to get the projected flows for each of the projects.

FINANCE COMMITTEE

Fred Bryan gave the following report:

AUDIT – REQUEST FOR EXTENSION

The Auditor asked for an extension until April 29, 2005. Fred Bryan made a motion to extend the audit report, 2nd by Rose Ann Swift, Jerry Poe-nay, Bob Cleveland-nay, Jay Pusey-nay, extension denied by a 3-2 vote.

INSURANCE PROPOSALS

The Borough received a proposal from Francis Hall Insurance and Longley Insurance. Longley's proposal was \$3,000 less than Francis Hall Insurance. This cost does not include the fire company vehicles, which is an additional \$3,241 for Longley and \$4,741 for Hall Insurance. Last year the fire company changed from Longley to Hall Insurance and the Finance Committee did not realize that it was more expensive so the Finance Committee is recommending to Council that we give the fire company an option; either they switch back to Longley or the Borough will give them \$3,241 towards the coverage they have now. Fred Bryan made a motion to accept Longley Insurance proposal, 2nd by Bob Cleveland, motion carried. Mr. Bryan will discuss with the fire company their options.

APPROVAL OF BILLS TO BE PAID

Fred Bryan made a motion to approve the bills to be paid, 2nd by Rose Ann Swift, motion carried.

APPROVAL OF FINANCIAL STATEMENTS

Fred Bryan made a motion to approve the financial statements, 2nd by Rose Ann Swift, motion carried.

APPROVAL OF MINUTES

Bob Cleveland made a motion to approve the minutes from March 15, 2005 as written, 2nd by Jerry Poe, Fred Bryan-abstained (absent from meeting), motion carried.

MAYOR'S REPORT

Mayor Howell gave the following report:

WHITE CLAY CREEK RESTORATION PROJECT

The Third Street section of the creek looks very nice. The contractor will be moving out of that section and moving to the Indian Run Road section until trout season is over.

WATSON PARK

Mayor Howell said the park is such a mess; there are bottles and glass all over the place, graffiti written on the picnic tables and playground equipment. Council really needs to decide what to do with the park. Jay Pusey said it has been an ongoing problem and hopefully the Park Committee can come up with a solution.

EMERGENCY MANAGEMENT COORDINATOR

Cecil Hallman said he has three resolutions required by the County that each municipality needs to adopt.

#1 – A resolution directed by the Secretary of Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity.

#2 – A resolution to allow individual emergency service departments, to provide protection in the form of assistance to other Municipalities who are parties to this resolution. All parties agree to allow their emergency services departments to provide apparatus and manpower when requested by any party.

#3 – A resolution to send a letter to the Police Chief, Fire Chief and Ambulance Captain which states that the Borough has adopted designating National Incident Management Systems (NIMS) as the basis for all Incident Management in Avondale Borough.

Council will review the draft resolutions and consider adopting at the next Council meeting.

PERSONNEL COMMITTEE

Bob Cleveland gave the following report

1. The Personnel Committee and the President of Borough Council, at the suggestion of the Borough's Solicitor, interviewed prospective candidates for the position of Site Engineer in conjunction with the proposed Wilkinson Project. The Committee is pleased to recommend to Council, Jamie MacCombie of Herbert E. MacCombie Consulting Engineers and Surveyors, Inc. of Broomall, Pennsylvania. Bob Cleveland made a motion to appoint Jamie MacCombie, 2nd by Fred Bryan, motion carried.
2. At the request of several members of Council, the Borough Secretary has devised a form for residents' comments, concerns, and complaints. All comments, concerns, and complaints MUST be submitted in writing, and when received, will be forwarded to the appropriate committee. The form will also be available for download on the Borough website.

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. Council has until the end of June to comply.

The committee requested the Borough Secretary to write a letter to PENNDOT to qualify their definition of "deck", and to obtain any recommended repair specifications that may be required. To date, no response has been received from PENNDOT

2. Request from residents for a crosswalk at Pomeroy Ave. and State St. is currently being reviewed and discussed as is the cost effectiveness of installing additional crosswalks at several other intersections in the Borough along with the painting and repair of the street markers at the State Street/Pennsylvania Avenue intersections.

**Cost estimates have been received for this project and the committee will meet and review the estimates and make a recommendation to Council at the May Council Meeting.

NEW BUSINESS

1. Cold patch was ordered, and Dominick is patching potholes within the Borough.
2. The Borough now has the stencils for the labeling of all the storm drains. It is expected that all drains will be labeled by the end of May.
3. A request was received from a resident of Pennsylvania Avenue regarding a large tree on his property that is in bad condition, overhangs onto Pennsylvania Avenue, and needs to be removed. The resident does not have all the necessary funds at this time to have the tree removed, and has requested the Borough remove the tree at Borough expense, and then the resident would like to make payments to the Borough until repaid. The Streets Committee denied this request.

4. There are currently 20 Abandoned/Expired/Inoperative vehicles in the Borough. Letters were sent to the residents.

Three of the residents who received letters responded with the following requests from Council:

- a. One resident responded that the the vehicle in question belongs to her son who has lost his drivers license, and requests permission to keep the vehicle on her property until the son receives his license back next year.
- b. A resident would like a time extension until the end of May so he may make repairs to the vehicle then remove it from the property.
- c. A resident's son is in college, is not using the vehicle, and the resident does not want to have the expense of insurance and registration of the vehicle since it is not being used, and wants to keep the vehicle on the property.

The Committee denied these three requests, and requested the Secretary to inform these residents by letter.

WATER AND SEWER COMMITTEE

FLOW AND LOADING ISSUE

The Secretary said that Walter Barcz needs permission from Council to forward the Operations and Maintenance cost analysis for the new sewer plant to Miller Environmental. Council gave Walter their approval.

OLD BUSINESS

FOOT BRIDGE

Fred Bryan said that Dominick moved the bridge on both sides of the creek but the steps on the Borough side needs to be repaired. Fred said he would notify the boy scouts.

NEW BUSINESS

LONDON GROVE TOWNSHIP – COMPREHENSIVE PLAN

Jay Pusey said LGT sent a letter stating that they are updating their Comprehensive Plan and are asking Council if we would be interested in multi-municipal planning and being part of their plan. Council was not interested in moving forward with this issue at this time.

PUBLIC COMMENT

HAROLD BROWN

Mr. Brown said there are two large pot holes on Maple Street. Bob Cleveland said he would talk to Dominick tomorrow about repairing the holes.

Jerry Poe made a motion to adjourn the meeting at 11:05 P.M., 2nd by Bob Cleveland, motion carried.

Respectfully submitted,

Becky Brownback
Borough Secretary