

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

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

**GUESTS PRESENT:** Mayor Howell, Mike Short, Walter Barcz, Glenn Diehl, Harold Brown, Howard Thompson, Sean Carroll, Pat Harrison, Rob Walters, Davis Howell

**ANNOUNCEMENT**

President Pusey announced that an Executive Session was held on August 23, 2005 and August 30, 2005 to discuss legal matters.

**RESIDENT COMMENT/REQUEST/COMPLAINT**

**SEAN CARROLL**

Sean Carroll asked if Morris Alley in back of the firehouse is going to be fixed because the stone is starting to erode. Bob Cleveland said the road will be repaired next week from the Verizon building to First Street.

**ZONING OFFICER'S REPORT**

Tom Lowry was absent from the meeting but submitted the following report:

**BUILDING & ZONING**

- Seven inspections were performed. Nineteen inquiries were received. One permit was issued in August; a shed.
- 318 Pennsylvania Ave. – The sign has been relocated, the car registered and the property owner has promised that the drain pipe will not cause icing or water on adjacent property.
- 91 Pennsylvania Ave. – Still closed in August.
- Use & Occupancy Ordinance – The Borough Solicitor has prepared a new ordinance regulating rentals and use & occupancies for resale. It is recommended this Ordinance be adopted by Council.
- Smith Contractors – The Zoning Hearing continuance was granted and the Solicitor is negotiating a settlement on this matter.
- Avondale Fire Company – A call has been received from the Building Inspector from New Garden regarding which municipality will inspect the new Station. A letter has been received from the Health Department stating the permit cannot be issued until approval is received.

**CODE ENFORCEMENT**

- Vendor – John Stoltzfus has been selling produce from a wagon on Pennsylvania Avenue. Numerous calls and a letter has been sent regarding the need to pay the fees for a vendor's license. This item is still open.

**BUILDING INSPECTIONS FOR THE NEW FIREHOUSE**

Glenn Diehl said rather than have two people doing the building inspections (the building will be split between Avondale and New Garden) we can appoint New Garden's inspector to do all the inspections as our agent so there is one inspector, one set of fees and one procedure. Russ Kilmer made a motion to approve New Garden Township to handle all inspections for the building construction of the new fire house, 2<sup>nd</sup> by Bob Cleveland, motion carried.

**MILLER ENVIRONMENTAL REPORT**

Mike Short gave the following report:

Monthly Water Production – 3,724,100 gallons / average daily flow – 120,132 gallons

Monthly Effluent Flow – 11,558,000 gallons / average daily flow – 372,000 gallons

New Garden Flow – 3,684,750 gallons / average daily flow – 105,278 gallons (7/27/05 to 8/31/05)

Unaccounted Monthly Wastewater Flow – 4,149,650 gallons (35.9%)

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

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

- Siphoned excess rainwater from service
- Gaebel Construction repaired service water line to Earl's Sub Shop on W. State Street on 8/8/05. Approximately 4 feet of ¾" copper tubing was installed from the water main to where the service line turns into galvanized or black iron pipe.
- Gaebel Construction repaired 2" water main leak at 604 Poplar Street with a 2" x 12-1/2" single bank full circle repair clamp on 8/8/05.
- Gaebel Construction repaired service water line leak to The Market store at Pennsylvania Avenue and Baltimore Pike on 8/29/05. Approximately 3 feet of ¾" copper tubing was installed.
- Gaebel Construction repaired a service water line on Church Street by Cutone Mushroom on 8/30/05. Approximately 2 feet of ¾" copper tubing and a new curb stop were installed
- Repaired water meter at 222 E. 2<sup>nd</sup> Street.
- Reread water meter at 221 PA Avenue.
- Performed four PA One-Calls throughout Borough.
- Ordered water line repair clamps from L/B Water Service.
- Continued spraying Sodium Hypo-Chlorite onto the sludge holding tank and stopped putting air into the sludge holding tank to prevent possible odors.
- Performed Water Action Form at 222 E. 2<sup>nd</sup> Street for sewer backing up.
- Attended construction meetings for new plant.

**WATER PRESSURE ON PENNSYLVANIA AVENUE**

Russ Kilmer said some residents have complained about the water pressure on Pennsylvania Avenue and it is getting worse. Russ asked Mike if there was any indication of a large leak. Mike said after the leak was repaired at the intersection of Baltimore Pike and Pennsylvania Avenue the water usage is back to normal. The Water and Sewer Committee will look into this issue.

**HERITAGE BUILDERS**

Walter Barcz said he met with Heritage's Engineer and staff and answered questions they had about the Borough's existing system and what it would take to pursue an additional expansion of the treatment plant. Walter said he stressed to Heritage that its project is outside of the Borough and that Avondale is not interested in undertaking a project for Heritage then simply passing along the costs, an incentive will

be needed. Since this meeting, nothing formal has been received from Heritage. Glenn Diehl said we need to encourage Heritage to make a decision sooner rather than later. Walter will pursue this matter.

### **ENTECH REPORT**

Walter Barcz gave the following report:

#### **HENSON AND MAPLE STREETS**

Waterline construction work has begun. Notices of temporary service interruptions have been prepared and hand delivered by the Borough. The Contactor was reminded the importance of erecting the project sign, giving the County much credit for this project. Discussed with the Contractor on extending a line over to Poplar Street to fix the drainage problem in that area.

#### **WWTP UPGRADE AND EXPANSION**

Started on the foundation of the electrical and disinfection building. The clarifiers and reactors are done structurally.

#### **WALABAX – PAYMENT #8**

Fred Bryan made a motion to approve Walabax payment #8 for \$160,061.02, 2<sup>nd</sup> by Pat Longen, motion carried.

#### **HOWARD THOMPSON – LIASON FOR WWTP UPGRADE AND EXPANSION**

Had some preliminary discussion with Howard Thompson on his role with the upgrade and expansion. Walter and Howard will meet at the site next Wednesday.

#### **US EPA GRANT**

The grant agreement paperwork has been finalized and now it is a matter of processing the payment.

#### **PENNSYLVANIA AVENUE BRIDGE – WATER LINE REPAIR ESTIMATES**

Working on this issue and will have estimates by the Water and Sewer Committee meeting.

#### **NEW GARDEN SEWER CONNECTION**

Russ Kilmer made a motion to approve the Bernard Office Building for a proposed 400 gallons per day, 2<sup>nd</sup> by Fred Bryan, motion carried.

### **BOROUGH SOLICITOR'S REPORT**

Glen Diehl gave the following report:

#### **WILKINSON – DUPONT SUBDIVISION**

Approved by Council at the last meeting. The note has been added and will be submitted to Council for signatures.

#### **PROPOSED RENTAL OCCUPANY INSPECTION ORDINANCE**

This proposed ordinance is designed to encourage compliance and reflects actual costs. There are two different kinds of situations: There are rental occupied, which are done on a periodic basis and there are owner occupied and is limited to an inspection at the time of transfer. This ordinance is structured so that the owners of rental property have to make an application by a certain time at the beginning of the year and the Borough schedules inspections so that it is spread out throughout the year.

#### **SMITH ZONING HEARING**

The Use Variance was granted by the Zoning Hearing Board. All the conditions that we wanted were placed on the approval. It allows either an office and an apartment or just an office throughout the building. It is now considered a business office, the way it is supposed to be. There will be no use in the

carriage house such as storage of contractors' material. There was one problem at the hearing, Council wanted all the costs recovered associated with the project. The most the applicant would pay for associated costs was \$750.00, which left us short. The Zoning Officer's cost will be recovered but Glenn's cost would not be recovered. Glenn said he made the judgment that we would accept the \$750.00 on the theory that if we contested it and went through the hearing as opposed to settling the case, we would not have a claim for any of the money. Glenn said he will not charge the Borough for his costs (\$900.00) if Council disagrees with his decision. Council agreed and the Borough will pay for Glenn's costs.

#### WILKINSON I & I STUDY

Spoke to Joe Riper, Wilkinson is in the process of putting together the information to map out the testing that they are going to do.

#### FINANCE COMMITTEE

Fred Bryan gave the following report:

#### 2004 AUDIT - APPROVE

The Finance Committee recommends to Council to approve the 2004 audit. Russ Kilmer made a motion to approve the audit, 2<sup>nd</sup> by Fred Bryan, motion carried.

#### AVON GROVE LIBRARY – DONATION

The library is requesting a donation of one dollar per capita. The donation was an oversight and was not figured in the budget. Russ Kilmer made a motion to approve \$1,108 to the library, 2<sup>nd</sup> by Pat Longen, 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, 2<sup>nd</sup> by Russ Kilmer, motion carried.

#### 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, 2<sup>nd</sup> by Russ Kilmer, motion carried.

#### APPROVAL OF MINUTES

Jerry Poe said that Rose Ann Swift is listed as being absent from the meeting but made a vote. Rose Ann was present at the meeting. Mayor Howell said she was present at the meeting but not on the guest list. The Secretary will make the corrections. Russ Kilmer made a motion to approve the minutes with the corrections, 2<sup>nd</sup> by Bob Cleveland, motion carried.

#### MAYOR'S REPORT

Mayor Howell gave the following report:

#### WHITE CLAY CREEK RESTORATION PROJECT

The restoration project is essentially done. F.X. Browne needs to submit a final report and "as built" plans for the FEMA flood plain.

#### FALL FESTIVAL

The festival is scheduled for October 15<sup>th</sup> from 10:00 A.M. – 3:00 P.M, rain or shine. We are getting a lot of donations from local businesses which are enabling us to have a band, free kids games and a moon bounce.

HALLOWEEN PARADE

Since all the businesses have been helpful by donating money for the Fall Festival she feels it is not right to ask them for another donation for prizes for the Halloween Parade. Mayor Howell asked Council to authorize \$250.00 for the parade. Jerry Poe made a motion to approve the donation, 2<sup>nd</sup> by Pat Longen, motion carried.

DCED GRANT

There is \$661.95 left. Mayor Howell suggested getting a new door for the rest room and maybe new tile. Council approved.

STREETS & 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 8 Abandoned/Expired/Inoperative vehicles in the Borough. Letters were sent to the residents. C.E.O. has tagged several of the vehicles.
2. A.S.C. Inc. of Chester Heights,PA has completed the street striping project.
3. The Henson/Maple Street Project has begun, and was discussed in Entech's report.
4. At the August 2005 meeting, Council approved to leave it up to the Street Committee's discretion to make a decision on the street restoration in the 100 block of Morris St. Dominick and Andy DiFilippo will be repairing the street beginning sometime this week using Borough equipment, and Borough wage rates. The cost will be approximately \$3500.
5. There are four [4] storm drains again needing cleaning. Three at Chatham and First Streets, and one on State Street. Dominick was notified.

PUBLIC SAFETY COMMITTEE

Russ Kilmer gave the following report:

MEETING WITH PARKESBURG BOROUGH COUNCIL

Parkesburg Borough Council is requesting a meeting with the Public Safety Committee to ensure an open line of communication. Russ will schedule the meeting.

INTERNET SERVICE

For 2006, the police will require the Borough to get high speed internet services so they can connect to their data base. Fred Bryan said he is in the process of getting prices.

POLICE ACTIVITIES

There responded to 30 incidents in August, 71 traffic stops, 2 non-traffic, 1 criminal. The total fines received for August was \$2,706.51. So far we paid out \$37,000 and \$18,800 was received in fines. Starting in September, the hours were cut back to 24 hours per week.

**WATER AND SEWER COMMITTEE REPORT**

Russ Kilmer gave the following report:

**ONE MILLER DRIVE ESTIMATE**

An estimate was received for \$7,380.00 to install the pump at One Miller Drive. Walter Barcz said the estimate seems high and will get another estimate.

**WATER AND SEWER BILLS**

The Water and Sewer Committee discussed the delinquent bills and recommend that all invoices be paid in full by the due date or their water will be shut off. There will be no monthly payments accepted from property owners unless approval is given from the Water and Sewer Committee. Glenn said you can shut off the water to property owners living there but you can not shut off the water when there are tenants involved. There is a statute in Pennsylvania – The Landlord Tenants’ Act that states you can not turn off the water when a tenant is living in the building and that the tenant can work out a payment schedule with the Borough. If you have more than one tenant in a building and not separate meters it is unmanageable. If there are tenants, lien the property, if there are no tenants, you can shut off the water. A collection fee schedule and a collection procedure need to be adopted. Glenn said he will prepare the schedule and procedure.

**PARKS & COMPOSTING FACILITY**

Pat Longen gave the following report:

**WATSON PARK**

Cleaned up the trash and cut up a tree branch. Benches will be moved to the play equipment area. Took down some park signs because someone keeps writing graffiti on them.

**INDIAN RUN PARK**

Pulled 20 tires out of the creek and will get Dominick to take them to SECCRA.

**EARNED INCOME TASK FORCE**

President Pusey gave the following report

The Committee met to review the forms received from property owners. An additional 58 names have been added after reviewing three-quarters of the forms. Some forms have not been returned and Becky has done a second mailing request. A final report will be given when all the forms are reviewed.

**NEW BUSINESS****SIGNAL SERVICE CONTRACT – RENEW**

The Secretary said there is no increase from last year. Russ Kilmer made a motion to renew the contract for one year with Signal Service, 2<sup>nd</sup> by Jerry Poe, motion carried.

**TRICK OR TREAT**

Fred Bryan made a motion to designate Monday, October 31, 2005 from 6:00 P.M. – 8:00 as trick or treat night, 2<sup>nd</sup> by Pat Longen, motion carried

**ZONING HEARING BOARD RESIGNATION**

The Secretary said Bob Masten moved out of the Borough and has resigned from the Zoning Hearing Board. President Pusey said we need a volunteer to fill this position. The Secretary will put this in the newsletter.

**PUBLIC COMMENT****HOWARD THOMPSON**

Mr. Thompson asked what the status is with the Miller Environmental issue. Jay Pusey said we are working on it and will be discussing it in Executive Session after this meeting.

**HAROLD BROWN**

Mr. Brown asked what was being done about the cars parking on the lawn on Pennsylvania Avenue. Russ Kilmer said the Code Enforcement Officer sent a letter to the owner and we are waiting on a response.

**SHAWN CARROLL – AVONDALE FIRE COMPANY**

In the Borough last year the Fire Company ran 42 fire calls and 71 ambulance calls. In 2005, they are projecting 48 fire calls and 90 ambulance calls. Avondale donated \$5,500 for fire calls in 2005 and based on the fire calls ran in the Borough it puts Avondale the second lowest in donation per call. In London Grove Township we ran 96 fire calls and they are giving the Fire Company \$35,000. The average donation per call is around \$300.00. The Fire Company is asking the Borough for \$10,000 for 2006, an increase of \$4,500. Russ Kilmer said the Borough pays for the fire companies insurance and asked what the premium is. Sean said it is about \$4,000.00. Russ asked if any of the other municipalities pay for the insurance. Sean said no, but New Garden Township pays for 100% of their fuel. Avondale's ambulance donation of \$1,000 is the lowest in donation per call. We are projecting 90 calls this year and the Borough is actually giving the library more of a donation than you gave the ambulance this year, which comes out to \$11.00 per call. The average cost for the ambulance is \$100.00 per call. Sean said he knows the Borough has budget constraints and we are asking to do what you can for 2006. Sean said he will send the Borough an official letter requesting \$10,000 for the Fire Company and \$5,000 for the ambulance.

**ANNOUNCEMENT**

- Fred Bryan announced that there will be a meeting on September 21, 2005 at 5:30 P.M. to meet with Glatting Jackson to discuss Route 41.
- Jay Pusey announced that an Executive Session will take place after this meeting to discuss legal issues.

Jerry Poe made a motion to adjourn the meeting at 8:08 P.M., 2<sup>nd</sup> by Russ Kilmer, motion carried.

Respectfully submitted,

Becky Brownback,  
Borough Secretary