

**AVONDALE BOROUGH
COUNCIL MEETING
JANUARY 18, 2005**

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

GUESTS PRESENT: Dottie Howell, Joe DiMatteo, Walter Barcz, Harold Brown, Karen Busby, Bruce Donovan, Howard Thompson, Bill Romanelli, Joe Riper, Rob Walters, Charles Wilkinson, Edward Bertrando

President Pusey called the meeting to order at 6:30 P.M.

APPOINT COUNCIL MEMBER – RESOLUTION # 2005-01

Bob Cleveland said interviews were conducted for the vacant Borough Council position, and the Personnel Committee is pleased to recommend Patrick Longen for the position. Jerry Poe made a motion to appoint Mr. Longen and adopt Resolution #2005-01, 2nd by Fred Bryan, motion carried. Mr. Longen's term ends January 1, 2006. Mayor Howell swore/affirmed in Mr. Longen.

RESIDENT COMMENT/REQUEST/COMPLAINT

BRUCE DONOVAN

Bruce Donovan said he received notice from the Borough that he has two vehicles that are not currently licensed and that he needs to make the vehicles current or remove them. Mr. Donovan said he has been meaning to get the matter resolved, but he has very busy working and he is here to ask Council to give him until the end of February to resolve this matter because he will be going out of town for a week. Bob Cleveland said Mr. Donovan was first sent a letter in September 27, 2004 giving 14 days to correct the violation. Mr. Donovan came into the Borough office and was given an additional month. After the month, Mr. Donovan asked for and was given another month. After an inspection of the Borough in December the cars were not made current or removed so another letter was sent on December 21, 2004 and he was given an additional 14 days, so if given until the end of February, it will be a total of 6 months. Bob said that seventeen other residents were also sent letters so what do we do if they come in and ask for extensions like Mr. Donovan. Mr. Donovan said he would hope that Council would consider each individual case. Council discussed this issue and Russ Kilmer made a motion to give Mr. Donovan an extension until February 15, 2005, 2nd by Jerry Poe, Pat Longen, Fred Bryan-abstained, Bob Cleveland-nay, Jay Pusey-nay, motion carried with a 3-2 vote.

WILKINSON PROPOSAL

Joe Riper said Council was sent four documents and he will explain them:

The PRD Overlay - This allows an applicant who can acquire and put together a sufficient amount of land to come in and create a community. Wilkinson's plan states that you can not have less than 15 acres and you have more than one parcel that can be separated but no one parcel within the 15 acres can be less than 4 acres with a minimum of 125 housing units. Wilkinson's plan has 51 acres. The implications are if there are other development properties in the Borough, how far does Council want to open the door or not open the door. When you are dealing with a PRD you are creating a mini zoning ordinance for the project. The PRD states that there is 15% open space and proposes some commercial uses. Mr. Riper asked Council

for their authorization to advertise for a Public Hearing to consider possibly adopting the PRD Overlay Ordinance. The way that this works is that someone needs to prepare a summary of the proposed ordinance and that summary will need to be printed in the newspaper of general circulation. Mr. Riper said he would take care of that and send it to the Borough's Solicitor for review. The proposed ordinance will have to be published and then a date would be picked for the Hearing. It will be sent to the Chester County Planning Commission and the Borough's Planning Commission for their review. After the document is reviewed, there is a Hearing with a Court Reporter and Council will make a decision on whether they want to adopt the Ordinance. Russ Kilmer made a motion to approve to advertise the ordinance conditioned upon the approval of the Borough's Planning Commission and the Borough's Solicitor 2nd by Jerry Poe, motion carried.

CORRECTIVE ACTION PLAN & CONNECTION MANAGEMENT PLAN – The Borough submitted a plan on December 9, 2004 and the DEP made comments. Mr. Riper said he addressed those comments by revising the language. The essential comment that DEP made was that they felt that Wilkinson's proposal was too prominent in terms of the corrective action plan. DEP wants to see the Borough make the commitment. Mr. Riper said he toned down the prominence of Wilkinson in it and put in it that the Borough's commitment is dependent upon Wilkinson getting the capacity for his project. These documents need to be crafted by Walter and the Solicitor.

MEMORANDUM OF UNDERSTANDING – This document describes the project so we know what the project is and what approvals Wilkinson is seeking. It states the I & I problem the Borough has and what Charles is willing to do along with Walter's I & I Management Plan. Once the plan is approved, Charles has agreed to spend up to \$150,000 to do the I & I Study. The \$150,000 will come out of the 2.8 million, but anything above that is not against the 2.8 million. DEP is not going to commit to anything until they see an I & I Correction Plan. The Study will take from 6 to 9 months to complete and they would like to be able to start in the Spring when there are rain events. After the study, the plan will be submitted to the Borough for comments. The plan will consist of where they think the I & I is coming in, what needs to be done to correct it, and what they think the cost will be. After the plan is approved by the Borough, it will be sent to DEP for approval. DEP has to agree that once Wilkinson does the improvements, there will be 50,000 gallons of capacity for the project. DEP has to agree that the funds will generate that level of capacity. DEP also has to agree that New Garden Township has a right to get flows up to 173,250 gallons, so not only they have to agree to the 50,000 gallons, they have to agree to restore to New Garden's 173,250. Once DEP approves the terms, Charles will start doing the work. Before the work is started, the plans will be signed by the Borough and released for recording. Charles will put up a Bond or a Financial Security for the full amount of work. After the work is started, Entech will oversee the work and approve it. Hypothetically speaking, what if after spending a million dollars, 150,000 gallons of I & I is found, the Borough may say we don't want to spend the remaining 1.8 million for correcting the I & I. Charles will commit to give the remaining balance in cash to the Borough. Where that money goes is up to the Borough and it is left blank in the proposal for Council to decide. Mr. Riper said he doesn't know if the commercial side will be ready to go as soon as the residential side. It is possible that Charles may want to build some of the commercial building and take some of the 50,000 gallons and allocate it away from the townhouses. In order to do this, Charles will have to agree to restrict however many units in the townhouses in order to build the commercial. Charles is hoping that Council does not have a problem with this, but they are not sure how many townhouses will be sold per month and it might just work out that way. After the agreements are approved, Wilkinson is ready to go.

MILLER ENVIRONMENTAL REPORT

Joe DiMatteo reported on the Water and Wastewater Treatment Plant for December.

Monthly Water Production - 2,988,500 gallons / average daily flow of 96,387 gallons.

Monthly Effluent Flow - 14,353,000 gallons / average daily flow of 463,000 gallons.

New Garden Flow - 3,724,670 gallons / average daily flow 133,024 (12-1 to 12-29-04)

Unaccounted Monthly Wastewater Flow – 7,639,830 gallons (46.8%)

NPDES Violations -0-

The following activities were reported for the WWTP for December:

- Continued to use portable plunger pump to transfer sludge from thickener to digester while transfer pump being repaired.
- Removed and rebuilt Fairbanks Morse transfer pump and installed.
- Quarterly calibration on New Garden meters conducted and annual calibration on plant effluent meter.
- Installed new drive belts to all Three Walker Process gearbox drives to the Thickener and Final Tanks.
- Replaced leaking drain valves to spray piping on the aeration tanks.
- Repaired broken valve handles to the sludge transfer piping.
- Replaced effluent composite sample suction tubing.
- Replaced water meter and remote at 400 New Street.
- Inspected and identified water leak at on-site septic system at 3 Clay Creek Road as a potable water leak. Used a leak detection contractor to locate all utilities on public and private property. Contactor excavating on 12/8/04 and located service line leak between #3 and #48 Clay Creek Road. Repair made that stopped overflowing septic tank.
- Removed, repaired and reassembled heater at #1 Well House.
- Completed and submitted Act 220 Water Withdrawal Report for 2003.
- Performed weekly and monthly preventative tasks of lubrication and oil checks.

WELL HOUSE ROOF

Joe said the Secretary acquired a proposal from Oxford Home Improvements for \$800.00 and any sheathing that needs replaced. Joe said the proposal he received from Michael Kelly & Sons was for \$1,063.00, but it included sheathing. Russ Kilmer made a motion to accept the proposal from Oxford Home Improvements, 2nd by Fred Bryan, motion carried.

3 & 48 CLAY CREEK ROAD

Joe said two proposals were received to complete the tie-in to the sewer: Technivate for \$29,312.97 and William Gaebel for \$20,890.00, plus any rock if encountered will be removed on a time and material basis. The Secretary said the previous owner, Ted Waltz put \$12,000 in escrow before he sold the property and the new owner Elias Gonzalez added \$12,000 to the escrow account for a total of \$24,000. The Secretary said the new owner wants the Borough to handle the project so that it is done right. Bob Cleveland said the proposal from Gaebel with the added cost if he encounters rock worries him. Joe said anyone doing the job that hits rock would charge you more. Russ Kilmer said if the cost runs over, the new owner will have to come up with the money to finish the project. Russ Kilmer made a motion to approve the proposal from Mr. Gaebel and if the cost exceeds the escrow amount, Mr. Gaebel stops the work until the Borough can get the money from the homeowner to finish the project, 2nd by Bob Cleveland, motion carried.

I & I FLOW AND LOADINGS

Joe said he would like to meet with Council to discuss the Flow and Loading issue. Russ Kilmer asked Joe to attend the Water and Sewer Committee meeting on the last Tuesday of the month to discuss this issue.

ENTECH

Walter Barcz gave the following report:

HENSON AND MAPLE STREETS PROJECT

Walter said we are at a point where we need some prerequisites from Melchiorre and once assembled, they will be submitted to the County. After the County is satisfied, a Notification of Award will be sent to Melchiorre.

STATUS OF PLANT UPGRADE & EXPANSION

A preconstruction conference took place on January 12th in Avondale. Entech is completing paperwork to add Walabax as a Co-Permittee and this will require President Pusey's signature. The PennVest Application 1 was submitted and should arrive shortly. The progress is moving along for the expansion, the fence has been installed, and the erosion and sediment control is in place.

INTERIM FINANCING

Walter said Jim Marlowe has been working on getting the interim financing and it should be in place by the next Council meeting.

1 MILLER DRIVE

Walter said he owes the homeowner some specifications for the pump. Russ Kilmer said he understands that some of the procrastination was on the homeowners' part but we agreed to do this last year and we need to pursue this and get it done by Spring. Walter said he would work on it.

STORMWATER MS4 REGULATIONS

Walter said DEP's model ordinance is currently under review by Borough Council and its Solicitor. Upon its final review and approval, a Stormwater Ordinance will be adopted and implemented. The next annual report, which will cover 3-10-04 to 3-10-05, will be due in June 2005 and it would be good to have this Ordinance finalized soon.

AVON MOHR SWALES

Walter said he understands this issue has been resolved. Russ Kilmer said the problem with the flooding on Miller Drive from the driveway located in London Grove Township is getting resolved, but the swales are another issue. Russ said there are supposed to be swales between the properties on Cook Court and Williamson Road and between the properties on Williamson Road and Indian Run Road. The swales may have been filled in over the years by the homeowners which is creating flooding on some properties. Walter said he would look into the matter.

NEW GARDEN TOWNSHIP

Walter said he received a request from Spence Andress in regards to the construction of an office building on Starr Road that will generate 400 gallons of sewage per day. Mr. Andress is requesting that Entech review and complete the Planning Module and Walter asked Council if they wanted him to proceed with this request. Council did not approve.

FINANCE COMMITTEE

Fred Bryan said the Finance Committee met and reviewed the finance statements and bills and they recommend their approval by Council.

APPROVAL OF BILLS TO BE PAID

Fred Bryan made a motion to approve the bills to be paid, 2nd by Russ Kilmer, motion carried.

APPROVAL OF FINANCIAL STATEMENTS

Fred Bryan made a motion to approve the financial statements, 2nd by Russ Kilmer, motion carried.

APPROVAL OF MINUTES

Bob Cleveland made a motion to approve the minutes from December 21, 2004 as written, 2nd by Fred Bryan, motion carried.

MAYOR'S REPORT

Mayor Howell gave the following report

WHITE CLAY CREEK RESTORATION PROJECT

The Borough has been awarded an additional \$53,618.50 from DEP to cover the total project. The project will be completed in September.

DCED GRANT

No money has been received.

TRASH BIDS

BFI has agreed to do a one-year rollover contract for the same price we are paying now, which is \$5,443.00 per month or Council can decide to go out for bids. Jerry Poe made a motion to accept the rollover, 2nd by Russ Kilmer, motion carried.

BEST DECORATED HOUSES

The winners of the best decorated houses were: Dave & Sherry Sease, Russ & Kathy Kilmer and Ida White.

PLANNING COMMISSION

PUSEY SUBDIVISION

Jay Pusey said that Phil Pusey said the deal is off and he is not donating the property to the Borough because it was not completed by the first of the year.

PERSONNEL COMMITTEE

Bob Cleveland gave the following report

1. The Borough Web Page is not yet ready, but is in the final stages of completion. It will probably be early February before the Borough is online.
2. At the behest of several members of Borough Council, the Personnel Committee was requested to review and define the job description of Borough Secretary as it pertains to the performance of specific duties, tasks, and obligations.

The Committee finds that the duties, tasks, and obligations of the position of Borough Secretary have changed in the past year and half due to additional duties, obligations, and expectations of Borough Council.

In view of these said changes, the Committee recommends the following to Borough Council:

- a. The positions and titles of Office Manager, and Code Enforcement Liaison be added to the job description of the current Borough Secretary.
- b. That the current Borough Secretary, Rebecca Brownback, assume those titles as part of her job description and be promoted to such.
- c. That Mrs. Brownback receive \$ 1.00 per hour additional salary concurrent with said promotion effective Monday, January 24, 2005.

Russ Kilmer made a motion to accept the recommendations from the Personnel Committee, 2nd by Fred Bryan, motion carried.

3. An Interview was conducted for the position of Zoning Officer. The Committee recommends Tom Lowry of Municipal Support Services, Inc. for that position effective 15 Feb 2005 replacing Technicon. Mr. Lowry's resume' is on file with the Borough, and he is currently Zoning Officer for six municipalities including West Grove Borough. The Committee feels that Mr. Lowry will be more "proactive" within Avondale Borough. He will review the Borough Ordinances, fee schedules, and provide up-to-date home and commercial inspection checklists and recommend changes and/or additions to all of the above. Mr. Lowry will be available on a 24 hour basis, will be more readily accessible to the Borough, and his response time to Borough issues will be the same day.

The Committee further recommends that a letter be sent to Technicon informing them that their services will be terminated on 14 Feb 2005.

Russ Kilmer made a motion to hire Mr. Lowry as the Borough's Zoning/Code Enforcement Officer and to send a "Letter of Termination" to Technicon Enterprises with a termination date of February 15, 2005, 2nd by Fred Bryan, motion carried.

STREETS 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. Council has one year to comply. The Streets Committee has discussed this issue and will present suggestions to Council in February.

NEW BUSINESS

1. Abandoned/Expired/Inoperative Vehicles: There are currently 24. Letters were sent to the residents by Becky, and several were submitted to Technicon since a number of the property owners have not responded to the letters.
2. The current procedure for notification of violation to residents with Abandoned/Expired/Inoperative Vehicles requires approximately 50 total days from beginning until a fine is issued. This procedure is being changed to 14 total days. The Committee is coordinating this with the Zoning Officer. Additional information will be forthcoming.
3. A letter was received from an individual who has had in the past numerous vehicle violations, and currently has several vehicle violations. The individual stated that the Borough was biased and was discriminating against him. The Streets Committee responded to the letter and requested a meeting with him on 11 Jan 2005. Individual failed to attend the meeting. Both the letter received and the response to the letter are on file.
4. Request from residents for a crosswalk at Pomeroy 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.
5. Complaints from several residents, and from the Avondale Fire Company, regarding individuals soliciting and collecting money on Pennsylvania Avenue and on State Street on Friday 8 January. The Pennsylvania State Police were called and responded removing the individuals and also citing them for violation of the Pennsylvania Vehicle Code # 3545 regarding Solicitation on a Public Highway.
6. Residents complaints regarding several potholes on Ellicott Avenue. Dominick repaired potholes on Ellicott Avenue, 1st and Chatham Streets, and E. Third Street.
7. Request from resident that the Borough salt and sand Maple St. due to severe icing. This was done.

PUBLIC SAFETY

Russ Kilmer gave the following report

POLICE COVERAGE

The Borough received the year-end report from Chief Sheller and we have had a successful year as far as traffic citations and over weights. The police are really pursuing trying to protect our streets and our bridges and have definitely brought in a considerable amount of money to the Borough, which has reduced the Borough's cost for police protection. In just the over weight's alone in November and December, they brought in \$90,000 in which the Borough will receive half. The money will not come in one lump sum but will come in gradually because the Court lets them make payments over a couple of years.

OLD BUSINESS

SIGNAL SERVICE REQUEST

Bob Cleveland said the Secretary is working on getting a price for the line painting at both signal intersections and crosswalks throughout the Borough.

FOOTBRIDGE

Fred Bryan said the bridge is stable, it just needs to get moved back to where it was. Fred said he spoke with Jan Ramberger and the Boy Scouts will secure the bridge with the help from the Dominick DiFilippo using the Borough's tractor.

PUBLIC COMMENT**HOWARD THOMPSON**

Mr. Thompson asked if the Borough has designated someone to monitor the work progress of the sewer plant project because he is concerned about cost overruns. Russ Kilmer said the Borough Engineer is keeping a close eye on the project and he has confidence that Entech will keep us within budget. Mr. Thompson said the Borough should designate someone else. Russ said as Chairman of the Water and Sewer Committee, he asked Mr. Thompson if he would like to volunteer to be the Borough's "watchdog" and work with Entech on the project. Mr. Thompson said he would think about it.

HAROLD BROWN

Harold Brown said that Council is doing a real good job looking over the bills and not paying anything until approved. Mr. Brown said he understands about Bob Cleveland and the abandoned cars, "Bob does not pick and choose". When you give someone three months to take care of the problem, he is more than fair and that is what he likes.

ANNOUNCEMENTS

President Pusey announced that there will be an Executive Session to discuss a legal matter after this meeting.

Jerry Poe made a motion to adjourn the meeting at 8:50 P.M., 2nd by Russ Kilmer, motion carried.

Respectfully submitted,

Becky Brownback
Borough Secretary

