

**AVONDALE BOROUGH
COUNCIL MEETING
MARCH 16, 2004**

COUNCIL MEMBERS PRESENT: Jay Pusey, Jerry Poe, Russ Kilmer, Fred Bryan, Rose Ann Swift, Bob Cleveland **Absent:** Ann Bush

GUESTS PRESENT: Dottie Howell, Joe DiMatteo, Walter Barcz, Jim Marlowe, Lori Walmer, John Conner, Sean Carroll, Junior Snyder, John Langille, Guy Swift

President Pusey called the meeting to order at 7:30 p.m.

RESIDENT COMMENT/REQUEST/COMPLAINT:

JOHN CONNER – KEATING ALLEY

John Conner said he lives at 326 Pennsylvania Avenue with no off street parking. Mr. Connor said he just found out that the alley (Keating Alley) that runs from West Third Street to the Wright's property at 322 Pennsylvania Avenue is a public road. Mr. Conner said he lives next door to the Wright's and he asked them if he could use the portion of their property where the alley ends to access his property (27 feet) so he could have off street parking and they declined. Mr. Conner asked Council if there was anything that could be done to extend the alley to his property line. Council discussed this issue and the Streets Committee will look into this matter and make a recommendation at the next council meeting. (Keating Alley was ordained on February 15, 1971)

JUNIOR SNYDER – TRACTOR TRAILERS ON W. THIRD STREET

Junior Snyder asked Council if they would consider banning tractor-trailers on W. Third Street. Mr. Snyder said he lives at the corner of W. Third Street and Pomeroy Avenue and when the tractor-trailers are making the turn from either direction, they are cutting the corner short and leaving large ruts on his property. John Langille said the road is not built to take these wide turns and if Council cannot ban the trucks, he would like Council to consider putting in a minor jug handle at the open lot across from W. Third Street. Mr. Langille said he often complains about the high-speed traffic on the street and the vehicles going through the three way stop signs. Mr. Langille said if you make W. Third Street a one-way street coming from Pomeroy, it is too dangerous to make a left turn unto Pennsylvania Avenue and if you make it a one-way from Pennsylvania Avenue, Mr. Snyder would still have the problem of damage to his lawn and the problem with the traffic taking short cuts to avoid the traffic light. Mr. Langille said he doesn't know what the real answer is, but there is definitely a problem. The Streets Committee will look into this matter and make a recommendation at the next meeting.

MILLER ENVIRONMENTAL REPORT:

Joe DiMatteo reported on the water and wastewater treatment plant for February. The total monthly water production was 3,218,100 gallons with an average daily flow of 110,969 gallons. Total monthly effluent flow was 14,311,000 gallons with an average daily flow of 493,000 gallons. Total monthly New Garden flow was 4,429,520 gallons. The unaccounted monthly wastewater flow was 6,663,380 gallons (46.6%). There were three (3) NPDES violations recorded within this reporting period. The violations were for exceeding the average monthly concentration and the average monthly loading for ammonia nitrogen and maximum weekly loading for total suspended solids. Miller Environmental attributes these violations to elevated flows.

The following activities were reported for the WWTP for February:

- Miller's contractor excavated for water leak at 90 Pennsylvania Avenue on February 9, 2004. Excavation from curb out to main indicated a leak in the service line approximately 3 feet from main. It was necessary to plate the site and the repair and restoration was completed on February 10, 2004.
- Miller's contractor installed curb box at 301 Chatham Street on February 12, 2004.
- Miller's contractor installed new curb box top to service off of Baltimore Pike to The Fuel Stop. Restoration was completed for this curb box repair.
- Used a portable generator and submersible pump to remove the excessive water on reservoir cover.
- Located leaking non-metered service line at 315 Pennsylvania Avenue in resident's back yard. Service leak was repaired by residents plumber.
- Reviewing changes to lead and copper regulations for upcoming sample site location plan.
- Purchased additional water supplies needed for repairs to valve boxes, curb boxes and water leaks.
- Performed weekly and monthly preventative tasks of lubrication and oil checks.

INFILTRATION & INFLOW PROBLEM

Joe DiMatteo said on February 26, 2004, he conducted a sanitary sewer inspection on a portion of the collection system specific to the White Clay Creek and the Indian Run Tributary. Mr. DiMatteo said he found some considerable flow on the discharge side coming from the Indian Run creek crossing. Mr. DiMatteo said he went back out to the same site yesterday and the flows were no where near, as they were on February 26th. Mr. DiMatteo said he wants to check the site again before he makes any recommendations to Council.

605 POPLAR STREET

Joe DiMatteo said the inside meter was checked and was replaced. The problem has been corrected.

HOW IS UNACCOUNTED FLOW CALCULATED?

Joe DiMatteo explained how the unaccounted flow is calculated:

1. Total Monthly Effluent Flow – This is total amount of wastewater gallons that is recorded from the wastewater plant's effluent flow meter; this includes all Avondale and New Garden wastewater flows along with any inflow and infiltration entering the collection system and wastewater plant.
2. Average Daily Flow – This is the average of the wastewater gallons simply divided by the number of days within the month.
3. Daily Maximum Flow – This is the highest amount of wastewater flow recorded one day of the month.
4. Total Monthly New Garden Flow – This is the recorded flow from both of the New Garden wastewater meters at the route 41 and Railroad site. These figures are collected and reviewed on a weekly basis and then totaled for the month.
5. Total Monthly Water Production – This is the amount of water produced from both potable well houses, which is recorded daily and totaled for each month.
6. Unaccounted Monthly Wastewater Flow – To calculate this amount you would compile the total monthly New Garden wastewater flow and the total monthly water production and then subtract that amount from the total monthly effluent flow, the remaining figure is the accounted wastewater flow.

ENTECH REPORT:

STATUS OF BLOCK GRANT – HENSON & MAPLE STREETS

Walter Barcz said the erosion and sediment control engineering is nearing completion.

STATUS OF PLANT UPGRADE

Walter Barcz said on March 5, 2004, the Delaware River Basin Commission approved the treatment plant upgrade and expansion. Mr. Barcz said James McTish from DEP requested a complete set of the plans for a pre-bid review and he promised to review them in a timely matter.

GROWING GREENER GRANT

Walter Barcz said the Borough received the agreement for the Growing Greener Grant and he will review the documents before recommending signing the documents.

REVITALIZATION GRANT AGREEMENT

Walter Barcz said some revisions were made to the grant agreement and he is in the process of finalizing them with the County.

AVONDALE FIRE COMPANY PLANS

Jim Marlowe said the fire company has given the Borough a written sixty-day extension of time. The sixty-day extension begins on April 17, 2004 and ends on June 16, 2004.

LONDON GROVE RUNOFF AT MILLER DRIVE

The secretary said she sent a letter to London Grove Township regarding the water runoff problem and Steve Brown called and said that he would look into the problem with his engineer and call back by our March 16th Council meeting. Mr. Brown did not return the call as promised. Russ Kilmer said we are having a continued problem with the residents' properties being washed out every time we have a heavy rain. Mr. Kilmer said this has been going on for 5 months and something needs to be done now. After some discussion, Council decided to have the secretary send a certified letter to London Grove Township stating that they have 30 days to correct the problem or Avondale Borough will resolve the matter and invoice London Grove Township for rectifying the problem.

1 MILLER DRIVE – PRESSURE SEWER

Walter Barcz said he needs to meet with Mr. Cummings and work out some details.

CHAPTER 94 REPORT

Walter Barcz said Entech is working on the report and will have it completed by the March 31st due date.

BLOCK GRANT AMENDMENT#1

Jerry Poe made a motion to approve Amendment #1, 2nd by Fred Bryan, motion carried. This amendment extends the deadline date from June 30, 2004 to June 30, 2005.

PENNVEST LOAN

Walter Barcz said that PennVest has expressed concern that the Borough's 1% loan has not yet been accepted and he recommends to Council to have the secretary, the approved signer, accept it. Jay Pusey asked if the Borough is committed to take the loan if we accept it. Mr. Barcz said when you formally accept the loan it does not bind the Borough into Construction and if after accepting it, you do not close on the loan, which would happen after bidding construction, the Borough is not obligated. Closing is required within 365 days from the July 23, 2003 offer date. Russ Kilmer made a motion to accept the loan, 2nd by Jerry Poe, motion carried.

APPROVAL OF FINANCIAL STATEMENTS

Russ Kilmer made a motion to approve the financial statements for February 2nd by Jerry Poe, motion carried.

APPROVAL OF BILLS TO BE PAID

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

APPROVAL OF MINUTES

Bob Cleveland made a motion to approve the minutes from February 17, 2004 as written, 2nd by Jerry Poe, motion carried.

BOROUGH SOLICITOR REPORT:**LENA HORTON PROPERTY**

Jim Marlowe said the property is scheduled for Tax Sale in September. The secretary said the amount of taxes owed on the property is \$12,098.82.

STORMWATER MS4 REGULATIONS

Council decided at the last meeting not to approve Entech to move forward with this issue because of the Borough's lack of funds. Jim Marlowe said if the required paperwork is not submitted to DEP by June 9th then the Borough does run the risk of being fined. This issue will be discussed further at the water and sewer committee meeting.

CONSENT ORDER AND AGREEMENT

There has been no correspondence from DEP.

PENNSYLVANIA UNIFORM CONSTRUCTION CODE

Russ Kilmer said he checked with several different building inspectors and he received a mixed bag of answers. Mr. Kilmer said there is total confusion about who is going to opt-in or opt-out, what training is required, and how the requirements are going to work. Jim Marlowe said if Avondale decided to opt-out, the Borough would have no control over the inspections. Mr. Marlowe said if somebody wanted to build a home in the Borough and we notified L & I that we were opting out, as far as residential construction is concerned, the person who wants to build would have to go to a certified third party agency for inspections. The homeowner would have to pay the third party agency and there are no set fees, so they could be charged any fee. Mr. Marlowe recommended to Council to opt-in to have more control over the inspections. Council made no decision at this time. Deadline to decide is between April 9, 2004 and July 8, 2004.

PUSEY ZONING HEARING

The secretary said Jay Pusey submitted a zoning hearing application to place two sheds in a flood plain area and the hearing is scheduled for April 7th. The secretary asked if Council has to approve, disapprove or not take any action on the application. Jim Marlowe said if the Zoning Hearing Board gives approval, technically, Mr. Pusey would have to go before Borough Council for a variance from Ordinance #199. Mr. Marlowe said he needs to do some research on this issue, but advised the secretary to move forward with the hearing.

MAYOR'S REPORT

STATUS OF THE GRANTS

Mayor Howell said the Kubota Tractor reimbursement for \$35k should be coming in the next couple of weeks.

NO PARKING SIGNS ON 6TH STREET

Mayor Howell said she does not have a problem with the signs London Grove Township installed on 6th Street. This item will be deleted from the agenda.

WATER RUN OFF FROM LONDON GROVE TOWNSHIP AT 6TH STREET

Mayor Howell said she called LGT about the water run off problem and she has not gotten a response from the manager, Steve Brown. Council agreed to have the secretary write LGT a certified letter stating our concerns and that we would like a response within a timely manner.

WHITE CLAY CREEK RESTORATION PROJECT – AMENDMENT #1

Mayor Howell said the amendment will increase the Construction line item budget by \$29,000.00 to do FEMA modeling and mapping as required by DEP. Fred Bryan made a motion to approve Amendment #1, 2nd by Rose Ann Swift, motion carried.

STREETS AND STREET LIGHTS COMMITTEE

Bob Cleveland gave the following report:

OLD BUSINESS

1. Request from Mario Gomez of 115 Pennsylvania Avenue who has a handicapped placard for his car. He states he has no off-street parking, and is requesting a handicapped parking space on E. 2nd Street for his use. At the February meeting, Council requested Becky speak with his landlord, Nick Mastrippolito. She did, and he states that there is off-street parking in the form of two garage bays, but these bays are presently rented to another tenant. Council agreed that since there is off street parking for the property, it is up to the owner to supply the tenants with parking. Council denied the handicapped parking sign.
2. The continuous water flow from the rear of 315 Pennsylvania Avenue that was creating icing problems and a hazardous situation at the intersection of Morris and Third Street has been repaired by resident.
3. There are a number of NO PARKING and STOP signs needing to be straightened. When the ground softens, Dominick will take care of the problems. No action as of this report.
4. The residents of 300 Chatham Street are discharging, via two hoses, water onto E. Third Street, creating icy conditions on E. Third Street and on Chatham Street down to First Street. One of the hoses is discharging soapy water. Technicon was made aware of the problem on February 17th and a letter was sent to the property owner.
5. Both curb stops at and near the side entrance to WaWa on Church Street have been repaired. 1) curb stop cap replaced 2) curb stop lowered

6. Thompson Street and Maple Street are in extreme state of disrepair. There is water being discharged onto the street, other than from 610 Poplar Street, causing the streets to buckle. Both Technicon and the Streets Committee have been unable at this time to determine the exact source of the discharge.
7. Several residents have expressed concerns about the parking on the north side of E. Third Street. When vehicles are parked there, the west bound lane is blocked creating a traffic hazard. Council agreed at the February meeting to have Becky write a letter to request the owner not to park on the street since he does have a garage and off street parking. A letter was written to the resident and there has been no response as of this date.

NEW BUSINESS

1. Water is being discharged onto E. 2nd Street eroding the street. Two properties are responsible: 203 New Street and 222 Second Street. The information was given to Technicon.
2. Water is being discharged onto Thompson Street, creating icing, and causing the street to “buckle” has been determined as coming from 604 Poplar Street. The information was given to Technicon and they were to contact the resident by letter.
3. There are 24 untagged/inoperable vehicles in the Borough. Addresses and photo’s of the vehicles are on file, and Becky has written letters to those in violation. The letters were sent this week. As of the date of this report, two vehicles have been removed.
4. Dominick removed a substantial amount of trash from behind the fence at the Indian Run Road Quarry.
5. A number of streets have “blow-outs” [heaving] specifically:
 - E. Third Street, just off of Church Street
 - Intersection of Morris Street and Third Street
 - Thompson Street [numerous]
 Dominick will, after frost, temporarily fix these area with #3 stone and cold patch.
6. The “Yield Sign” at State Road/Clay Creek Road has been installed.
7. “Tonnage/Permit Signs” have been installed on Indian Run Road.
8. Ellis Snyder of E. Third Street is requesting that Council ban tractor-trailer from traveling on E. Third Street. There have been several incidents where tractor-trailers have “cut the corner short” and run over his lawn leaving deep ruts. The streets committee will look into this matter.

PROPERTY & EQUIPMENT COMMITTEE

ENCROACHMENT – AVONDALE GARDENS

Walter Barcz said in the northeast corner of the wastewater treatment plant property, there appears to be an encroachment. Mr. Barcz said when we get to installing temporary construction fencing; the owners may think we are putting the fence on their property. The secretary will notify the property owner.

PUBLIC SAFETY

Russ Kilmer said the Borough received \$1,776.70 for fines in February. The police had 14 incidents, 13 traffic, 2 Non-Traffic and 1 Criminal.

PARKS COMMITTEE

Rose Ann Swift said she is waiting on the grant application to come in to apply for a grant for additional improvements for the park.

WATER & SEWER COMMITTEE

Jerry Poe said the Water and Sewer Committee would like to make the following recommendations to Council:

- a) Raise the water and sewer rates 5%.
- b) Charge a 20% surcharge fee for water usage over 20,000 gallons.
- c) Charge a 30% surcharge fee for water usage over 40,000 gallons.
- d) Charge businesses that use an average over 20,000 gallons a 20% surcharge fee when they exceed their average quarterly readings from the prior year.

Russ Kilmer made a motion to approve the recommendations made by the water and sewer committee, 2nd by Jerry Poe, motion carried. Jim Marlowe will prepare a Resolution for adoption at the council meeting in April.

OLD BUSINESS:**PUSEY LAND DONATION**

Jay Pusey said the only problem that was left to resolve was if there was a right-of-way to the property. Mr. Pusey said he has a copy of the deed and it states that a right-of-way exists on Jeff Stewart's property, so the property is not landlocked. Bob Cleveland asked where the 30+ acres are located that is being donated. Russ Kilmer suggested that since this matter transpired last year, the three new council members should be given a chance to review the survey plan before expecting them to vote.

FINANCIAL ADVISOR

Jay Pusey said some Council members met with Vollmer Associates and Beverly Brown regarding financial consulting services. Council discussed both consulting firms and decided that Beverly Brown had the best plan and charged the most reasonable rate. Russ Kilmer made a motion to hire Beverly Brown as the Borough's financial advisor with a maximum of 30 hours at \$75.00 an hour, 2nd by Bob Cleveland, motion carried.

MUNICIPAL CO-OP REPRESENTATIVE

Jerry Poe said he attended the co-op meeting and they opened bids for road materials. Mr. Poe said he really doesn't think he should be the one to attend the meetings because he does not know exactly what we need as far as the streets are concerned. Council agreed that Dominick DiFilippo would be the best candidate to attend the meeting and Bob Cleveland said he would speak to Dominick about attending the meetings. Mr. Poe will find out when the next meeting is scheduled.

APPOINT ZONING HEARING BOARD MEMBER

Because of a conflict of interest, Fred Bryan is unable to serve on Borough Council and the Zoning Hearing Board at the same time. Mr. Bryan resigned as of January 2004.

Russ Kilmer made a motion to appoint Bob Masten as a member of the Zoning Hearing Board, 2nd by Fred Bryan, motion carried.

INDIAN RUN ROAD QUARRY

Dottie Howell said she is still looking for grants available to fix the quarry.

AIR COMPRESSOR & OUTSIDE LIGHTS FOR MAINTENANCE BUILDING

John Langille said that Dominick DiFilippo mentioned to him that he would like to have an air compressor to do a proper job of maintaining the equipment. Junior Snyder said we should put some lights outside the maintenance building so Dominick can see when he loads the trucks in the winter. The Property and Equipment Committee will look into both of these issues.

NEW BUSINESS:AFTER PROM PARTY DONATION

President Pusey said a written request was received from the Avon Grove School Parent Association asking for a donation of \$500.00 for the after prom party. Russ Kilmer said in the past, Council elected not to donate because it sets a precedent for other organizations that request donations and we just can't afford to give to everyone so we need to stand neutral. Council agreed not to make the donation.

ANY NEWSLETTER ITEMS?

The secretary said if any committee has anything for the newsletter, she needs it by March 29th.

TRASH CLEAN UP

Russ Kilmer said we have been talking about getting the trash cleaned up by the Wawa and on Church Street and we should write a letter to the Boy Scouts to see if they would be willing to pick up the trash as a project. The secretary said she would contact Jan Ramberger.

RESIDENTS LIVING IN THEIR BASEMENTS

Russ Kilmer said Miller Environmental replaced meters in two homes and noticed there were beds set up in the basement without outside egress. Mr. Kilmer said we need to see how we can resolve this issue because this is a life safety issue and we need to deal with it before somebody gets hurt. Jim Marlowe said the Code Enforcement Officer has the right to go to a property and ask to inspect the inside of the house. If the owner refuses entry, then the enforcement officer will need to get an administrative search warrant. The Public Safety Committee will look into this matter.

AVONDALE FIRE COMPANY – INSURANCE COVERAGE

Guy Swift said effective April 1st, the Fire Company voted to changed from Longley Insurance to Francis Hall Insurance because they have better coverage for Fire Company's. Mr. Swift asked if the Borough would still pay the Fire Company's premiums after they make the change. Council agreed to continue paying for the insurance. Council discussed and agreed to have the secretary set up an appointment with Francis Hall Insurance for a presentation to Borough Council.

ANNOUNCEMENTS

President Pusey announced that there will be an executive session following this meeting to discuss legal matters.

Jerry Poe made a motion to adjourn the meeting at 10:25 p.m., 2nd by Rose Ann Swift, motion carried.

Respectfully submitted,

Becky Brownback,
Borough Secretary