

**AVONDALE BOROUGH  
COUNCIL MEETING  
OCTOBER 19, 2004**

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

**GUESTS PRESENT:** Mayor Howell, Jim Marlowe, Walter Barcz, Michael Dashbach, Joe DiMatteo, Bill Webb, Karen Busby, Howard Thompson, Harold Brown, Charles Wilkinson, Bill Romanelli, Joe Riper, Michael Kerr, Kathy Medley, Joan Borrelli, Michael Borrelli, Cecil Hallman, Davis Howell, Shawn Carroll, Bob Perotti

President Pusey called the meeting to order at 7:30 P.M.

**WILKINSON PROPOSAL**

Joe Riper said he met with Spence Andress to go over his analysis of the figures which includes Avondale's flows on how the flows work overall and to get a better understanding of what New Garden Township's needs are. Mr. Riper said he met with Jim Marlowe on Sunday and they talked about the sewer issues and the land planning and zoning issues. The most critical next step is whether DEP is going to find a way to allow the proposal they come up with to work. A meeting has been set up with DEP on November 19, 2004 and if DEP sees merit in the proposal, it will be the encouragement we need to move forward. Mr. Riper said it might be a good idea for Council to call a special meeting after the meeting with DEP to discuss the results from the meeting. Kathy Medley asked where on Church Street these homes are going to be built. Mr. Riper said (pointed to the properties on the map) the Guido Frezzo property, Irma White property, Horton property is one grouping. Mr. Brown and Mr. Thompson's property is the second grouping and Jim Frezzo's property on Route 41 would be the third group. Ms. Medley asked where the excess water would go since the Borough is already being flooded out. Mr. Riper said the water coming off the hill (back of strip mall) is totally uncontrolled now and one of the things that would have to be done is to control the stormwater, for example, creating a basin. Mr. Riper said Mr. Wilkinson purchased a property owned by Mr. Biedekapp (222 Church Street) which is on the low side by the creek, for the purpose of putting in a stormwater control basin so that the water would be detained and let out at controlled intervals.

**RESIDENT COMMENT/REQUEST/COMPLAINT**

**KATHY MEDLEY – FLOODING ISSUE**

Kathy Medley said she lives at 105 Chatham Street and she has some questions about the flooding problem in the Borough. Ms. Medley said she has been flooded totally since the Borough has had the funds from the grant that has been issued (Clay Creek Restoration Project Grant). Her house has been totally redone since last September's flood in 2003. She moved back in August 27, 2004 and was flooded again on September 27, 2004. Kathy said she does not see how new construction is going to help her. President Pusey said this is only a proposal from Mr. Wilkinson, we are not 100% sure this is going to happen. Joan Borrelli said she thought the work was going to start in September or October. Mayor Howell said we received \$329,000, but we do not have the money in hand, it is being paid out as we spend the money. (The invoices come to the Borough Office and a reimbursement form is filed with the DEP, the contractor is

paid after the reimbursement is paid to the Borough). The Borough has to go through all the engineering, and permitting from the EPA, DEP, Fish and Game, Army Corps of Engineers, etc and we are still waiting on one last permit that should be received soon. Ms. Borrelli asked what permit does the Borough need. Mayor Howell said we are waiting on the EPA permit because we are dealing with Federal Funds and State Funds and we cannot start the project until we have all the permits. Ms. Medley said it was in the paper that the dredging of the creek was going to start but it never was. Mayor Howell said there is a misconception that there is going to be dredging, we are not going to be allowed to dredge the creek. What we are aiming to do is put a wiggle back in the creek from the Third Street bridge down so that the water will move faster to wash the silt out and keep a larger stream bed surface to make the water stay in. Ms. Medley asked if there was anyone she could call to get some more information. Mayor Howell said she could talk to our engineer in charge of the project. Russ Kilmer said Council is sensitive to the flooding and we have spent considerable amount of time addressing stormwater runoff issues. Mr. Kilmer said a lot of the water going into the creek is coming from neighboring townships. Mr. Kilmer said the Borough has been working with the townships trying to eliminate the flooding problems. Mr. Kilmer said Council spoke to Mr. Wilkinson about their flooding concerns and Mr. Wilkinson believes what he is proposing to do will significantly reduce the water that coming off the hill now. Mr. Wilkinson said what the stormwater management is supposed to do is catch the flash floods and let the water out at a much slower pace after the storm has stopped. Mike Hallman said he could work on the Mitigation Plan with the County and Stroud Water Research because they may be able to give us some answers on why we are getting so much flooding. Mr. Hallman said he believes Stroud Water Research is monitoring the flow coming down this way and he believes in the upper portion of the County they have been opening up floodgates on their reservoirs more now, so maybe we are getting more water from the reservoirs. Mr. Hallman said he will try and get some answers.

#### PHIL PUSEY – USED EQUIPMENT SALES

Jay Pusey said a letter was written from Technicon Enterprises to Mr. Phil Pusey that basically states the used equipment he is selling is bought with the intent to resell and it is being construed as a home occupation. A home occupation is allowed but you are not allowed to place anything outside for sale. The equipment is gone so it is not an issue at this time.

#### MILLER ENVIRONMENTAL REPORT

Joe DiMatteo reported on the Water and Wastewater Treatment Plant for September. The total monthly water production was 3,162,800 gallons with an average daily flow of 105,427 gallons. Total monthly effluent flow was 15,360,000 gallons with an average flow of 512,000 gallons. Total monthly New Garden flow was 4,643,040 gallons. The unaccounted monthly wastewater flow was 7,554,160 gallons (49.2%). There were no NPDES violations reported.

The following activities were reported for the WWTP for September:

- Performed quarterly water meter readings on September 15, 2004.
- Used portable generator to remove excess rainwater from reservoir cover.
- Purchased curb box repair lids and additional meters and remotes for water distribution system.
- Replace leaking curb box valve at 209 Chatham Street
- Located curb box at 312 Third Street.
- Shut water service off at 300 Church Street and 315 Pennsylvania Avenue.

- Shut water off at 405 Maple Street while resident repaired service line leak under cross-space.
- Assisted in smoke testing operation with Pennsylvania Rural Water Association and Borough Staff on September 1, 2004.
- Coordinated, collected and submitted annual analytical analysis for both Edlon Industries and American Manufacturing Technologies for the Industrial Pretreatment Program. Results are being reviewed and will be presented in the near future.
- Quarterly calibration performed on both New Garden Township wastewater meters.
- Cleaned up storage shed, discarded old equipment and transferred Borough equipment to Borough garage.
- Performed weekly and monthly preventative maintenance tasks.

#### INDUSTRIAL PRETREATMENT PROGRAM (IPP)

Joe DiMatteo said the annual testing of the Avondale Industrial Pretreatment Program for the two industrial users was sampled. Joe said American Manufacturing Technologies have exceeded the current pretreatment standards on Chromium by 5.8, Copper, 7.2, Iron by 22.5 and Zinc for 1.3 with Zinc being the biggest concern. Edlon exceeded the standards in Copper by 11.5, Iron by 11.6, and Zinc by 1.9. Joe said he compared the results from 2003 and they are very similar but Council selected last year not to pursue the violations and asked Council how they would like to proceed. Walter Barcz said this is something that should not be brushed aside and it should be addressed. Jay Pusey said he would like to give this to the Water and Sewer Committee for their recommendation.

#### WALTZ PROPERTY – CONNECT TO SEWER SYSTEM

Joe DiMatteo said he met with Mr. Waltz and his excavator to discuss connecting to the Borough's sewer system. Joe gave the following report: Ted Waltz the owner has two dwellings connected to the cesspool which is causing problems. According to Mr. Waltz, the involved property consists of two tax parcels on one deed. The addresses are 3 & 48 Clay Creek Road. 3 Clay Creek Road is located in the Borough of Avondale and 48 Clay Creek Road is located in London Grove Township. Mr. Waltz suspected the dwelling at 48 is also connected to the same cesspool so dye was introduced that showed up in the cesspool indicating this property is also tied in. Joe said it may be wise to make sure additional homes located west of the property are also not tied in to the cesspool. Walter Barcz said it seems like the problem is growing and we have to be careful how we react to this new information because the only reason why this property is permitted to be connected is because DEP approved it. Now we find out there are two connections, not just one, and the problem effectively doubled and we need to keep DEP aware of the situation and get their prior permission. It is also not helping that we are crossing the municipal line and we have to be very careful as we proceed and keep DEP up-to-date. Russ Kilmer said the Water and Sewer Committee will review the matter.

#### ENTECH REPORT

##### STATUS OF BLOCK GRANT / HENSON AND MAPLE STREETS

Walter Barcz said the Invitation to Bid was published on October 13, 2004. As of October 18, 2004, three companies purchased the bid documents. The Prebid Conference was conducted on October 18, 2004. The County's Construction Coordinator offered some advice regarding the

timing of the project because we are not at the optimum time period to take on this project. The bid documents were set up to complete the project this year, which is possible. Walter said he is going to be discussing this with the County and consider the possibility of lengthening the time of completion provisions that are presently in the bid documents. If we can find a contractor to give it the proper focus, this can be done. If the time was lengthened, we may be able to get more bids and lower bids and all this would happen in early 2005. Walter said if he can get some flexibility from the County's Construction Manager, his advice to Council is to lengthen the construction period. Fred Bryan asked how long the project will take to complete. Walter said there is a 35-day construction period which is duable although aggressive. If winter starts late, it is very possible to get the pipe in the ground before weather becomes a factor. The specs read 35 degrees and not lower than that for a base course. If things move swiftly, we are looking at starting the first or second week in November. Russ Kilmer asked when the black top plants shut down. Walter said PennDOT always needs one open locally, but it depends on the mixing plants style, some will run right up to December 24<sup>th</sup>. Russ said his concern is that he does not want to leave the residents with a mess during winter. Walter said that is part of the art to get the work done to a certain point. The sanitary sewer pipelines, which are the deepest, will go in first and then we will work our way up and during that period there will be temporary restoration which will create some roughness, but will be passable. Fred asked if we can not get started by mid November, why don't we just wait until spring. Walter said if we are really careful, it can wait until the spring. Russ said we should not put any undue hardships on the residents on the section of Henson and Maple Streets if we cannot get the streets done because we are not going to be able to plow them because it will be stone or mud so we need to be very sure that we can be done. Walter said there is enough time calculated in the project in case we need it. Council agreed to move forward with the project.

#### TREATMENT PLANT UPGRADE & EXPANSION

Walter said both contractors are in a temporary holding stage pending revision to their contract prerequisite documents. Walter suggested to Council that we formally ask Walabax and Monacacy to wait until as late as December 1, 2004 to issue Notices to Proceed, Council agreed.

#### FUNDING

Walter said the County knows that we are working on the requirements of PennVest and the Pennsylvania Department of Economic Development and they are being very patient about it. As of yesterday, the County would like us to contact them to schedule the Pre-contract meeting. Walter said he really does not see that happening before December 1<sup>st</sup> because there are too many things that have to happen by then. The bulk of the work left to do is with PennVest and DCED which is being handled by Jim Marlowe and Entech.

#### 1 MILLER DRIVE – PRESSURE SEWER

Walter said he needs to get a measurement from Mr. Cummings and then it will be a matter of ordering the pump and arranging with Council the financial end. At this point there has just been a matter of “design” to solve the problem from an engineering point of view. There will be a need for some kind of decision by the next meeting at the latest on who pays for the pump and installation.

#### STORMWATER MS4 REGULATIONS

Walter said he still owes the Secretary some stencil supplier information. Jim Marlowe will do the required ordinance in 2005.

2005 BLOCK GRANT

Walter said the County did not select Avondale for this block grant. The proposal received a score of 67 out of a possible 100. Walter said maybe if we were further ahead with the Henson and Maple Street project, it could have made the score a little higher. We will be able to re-submit an application for a 2006 grant when the time comes. Russ Kilmer said we have had one huge workload on Entech and the Borough and we really cannot blame anyone on the block grant rejection. Russ said the County has been extremely generous to the Borough last year and he is sure that came in to play on how much we got this year.

I & I MANGEMENT

Walter said DEP has responded with a letter dated October 13, 2004 stating that they like the report and they are requesting an implementation schedule.

AVON MOHR SWALES

Walter said he met with Howard Jones, Jr. (3 N. Williamson Road) regarding his flooding problems. Walter said he needs to compare the area to what the Avon Mohr plans but he gets a preliminary application that some of the cause of the problem is on private property that could be a problem from the Borough's standpoint.

LONDON GROVE RUN OFF AT MILER DRIVE

The secretary said she has contacted Clint Heffner several times and he still has not given us the survey. Russ Kilmer suggested sending Mr. Heffner a certified letter. The Secretary will send the letter.

PUSEY SUBDIVISION

Walter said he reviewed the plans and responded by letter on October 10, 2004. Walter said he does not see a problem with the subdivision, but included a few suggestions and recommendations. Jim Marlowe said the only concern he has is that there is a development in the adjacent municipality, there are some detention and retention basins, and some easements on the property that Phil Pusey would like to donate to the Borough. Jim said we might want to check to see who is responsible for maintaining the basins. Jay Pusey said there needs to be an owner maintenance agreement prepared because the owner of the house on the hill will own the driveway and be responsible to maintain it. Jim Marlowe will prepare a maintenance agreement for the driveway. The Planning Commission will review at their next meeting.

THOMPSON SUBDIVISION

Walter said he reviewed the plans and responded by letter on October 10, 2004. Walter said he does not see a problem with the subdivision but has included a few suggestions and recommendations in his review. The Planning Commission will review at their next meeting.

REVIEW HILLS OF LONDON GROVE

Russ Kilmer said months ago we talked about looking at stormwater management for the new development on the Pusey property. Russ asked Walter if everything was okay with the plans. Walter said everything was kosher but there was lingering concern about infiltration berms from a philosophical point of view and maintenance issues that come with that. Russ asked if there was an agreement on who maintains the berms. Jim Marlowe will look into an agreement.

**APPROVAL OF FINANCIAL STATEMENTS**

Russ Kilmer made a motion to approve the financial statements, 2<sup>nd</sup> by Bob Cleveland, motion carried.

**APPROVAL OF BILLS TO BE PAID**

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

**APPROVAL OF MINUTES**

Fred Bryan made a motion to approve the minutes from the Council meeting on September 21, 2004 and the Special Meeting on October 7, 2004, 2<sup>nd</sup> by Bob Cleveland, motion carried.

**ZONING OFFICER'S REPORT**

Russ Kilmer made a motion to accept the Zoning Officer's Report, 2<sup>nd</sup> by Bob Cleveland, motion carried.

**BOROUGH SOLICITOR'S REPORT****PENNVEST DOCUMENTS**

Jim Marlowe handed out information to Council and went over the documents for the loan by category. The closing date on the PennVest loan is scheduled for December 1, 2004.

**AVONDALE FIRE COMPANY PLANS**

Jim Marlowe said we now have the "Letter of Credit" and Borough Council has approval to sign the plans.

**ADOPT ORDINANCE #208 – GUARANTEED REVENUE BOND**

Russ Kilmer made a motion to adopt Ordinance #208, 2<sup>nd</sup> by Bob Cleveland, motion carried.

**TREE MAINTENANCE ORDINANCE**

Jim said he would have the draft ordinance for the next meeting.

**MAYOR'S REPORT**

Mayor Dottie Howell gave the following report:

**DCED GRANT \$10,000.00**

The Borough received an award letter but we still have not received the contract.

**FALL FESTIVAL**

Although it rained the last 45 minutes of the Fall Festival, it turned out really well. There were 43 vendors and 4 door prizes given away every half hour that were donated by local businesses.

**TRICK OR TREAT AND ALLEY PARADE**

The Alley Parade will take place on October 31, 2004 at 5:00 p.m. with Trick or Treat following at 6:00 - 8:00 p.m. Prizes were donated by local businesses.

**BEST DECORATED HOUSES**

We will be having our annual "best decorated houses". An independent judge will be going around town the week before Christmas to select the winners.

**TREE LIGHTING**

The tree lighting will take place on Saturday, December 11<sup>th</sup> at 7:00 p.m.

**LEAF PICK UP**

Dominick will be picking up leaves on Monday, November 15, 2004. Residents are to bag the leaves and place them at the curb.

**FINANCE COMMITTEE****2005 BUDGET**

Bob Cleveland said the Finance Committee is waiting for the Chairperson to schedule a meeting.

**PERSONNEL COMMITTEE**

Bob Cleveland gave the following report:

- 1..Becky has submitted all of the necessary information and photo's to Gateway Inc. for the new Borough Web Page. The Borough should have the new design soon.
2. Thanks to Becky's persistent work, and with the cooperation of First State Properties, ALL of the vehicles parked illegally on First State's property at the corner of Pennsylvania Avenue and State Street have been removed. The final remaining vehicles were removed by Blitterdorf's Towing on Thursday, October 14, 2004. Russ Kilmer said he has received some positive comments about getting rid of the vehicles.

**STREETS COMMITTEE**

Bob Cleveland gave the following report:

**OLD BUSINESS**

1. After consulting with the Avondale Fire Company is has been agreed that the flushing of the storm drains will not be done until next Spring 2005.
2. 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. No action yet taken by the Streets Committee.
3. The pot holes and low areas on both Pomeroy Avenue and Keating Alley were repaired by Dominick. Shortly after Dominick repaired Pomeroy, the street flooded and Dominick had to again repair the area.

**NEW BUSINESS**

1. Abandoned/Expired/Inoperable Vehicles: There are currently 8. 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. Complaint received from a bus driver regarding the condition of Maple Street, the street having numerous potholes. This issue is to be addressed when the Henson/Maple Street

Project commences.

- 3.. The “No Parking” signs were installed on E. 3rd St. between Pennsylvania Avenue and Morris Street as per Ordinance # 207.
- 4.. Flooding caused some street damage in the Borough. Indian Run Road at the quarry had washing, as well as the aforementioned Pomeroy Avenue. The necessary stone was ordered and the repairs were completed by Dominick.

Jay Pusey said the “left turn yield to oncoming traffic” sign went up and we discussed about painting a line on State Road to distinguish between State Street and Clay Creek Road. Bob said he would speak to Dominick about the line painting.

### **PUBLIC SAFETY COMMITTEE**

Russ Kilmer gave the following report:

#### **MEETING WITH CHIEF SHELLER**

The committee met with Chief Sheller and discussed problem areas that are a concern in the Borough. The Borough is within a few thousand dollars of paying their cost for the year from fines and over weights.

#### **ONE WAY ON 6<sup>TH</sup> STREET**

Davis Howell said there are many cars coming down the one-way on Sixth Street and asked if the Parkesburg Police could patrol the street a little more. Russ said he would speak to Chief Sheller.

### **WATER AND SEWER COMMITTEE**

There was no report given.

### **PROPERTY AND EQUIPMENT COMMITTEE**

#### **CHURCH STREET LOTS**

Bob Cleveland said he noticed that the lot where the old springhouse is located, has stones all piled up on it from the property next door. Fred Bryan said he will look into the matter.

### **PARKS COMMITTEE**

Rose Ann Swift gave the following report:

#### **DIRT PILE AT WATSON PARK**

Committee received a complaint from Earl Atley on New Street. He is complaining that the dirt pile near the Second Street park entrance located behind 203 New Street is on his property and he would like to have it moved. The dirt pile has been there for quite sometime and the Parks Committee recommendation is to have Dominick move the portion of dirt that is located on Mr. Atley’s property. Fred Bryan said he believes the dirt pile is on the Borough’s property. Rose Ann said she will research the property.

**OLD BUSINESS**

**SIGNAL SERVICE REQUESTS**

Bob Cleveland said the Borough does not have the funds to address this issue at this time.

**NEW BUSINESS**

**FIRE COMPANY BANQUET**

Jay Pusey said the Avondale Fire Company is holding their Annual Banquet on Saturday, November 13, 2004 and has invited the Mayor and Borough Council. The Secretary said if anyone plans to attend to let her know so she can RSVP.

**PUBLIC COMMENT**

**BILL WEBB**

Bill Webb asked when the plant is upgraded, will there be capacity left for the people that have been on waiting list for sewer hook-ups. Walter Barcz said the Borough's expectation is to have capacity to everyone that needs to connect to the sewer. Mr. Webb said there are two dumpsters in the creek from the Apartments. The Secretary will call the trash company.

**HOWARD THOMPSON**

Howard Thompson said the Chester County Planning Commission is reviewing his subdivision and as soon the Borough approves it, Register's will make up a lot description. It will then be forwarded to the law office for deed preparation. Mr. Thompson and representatives from the Church will sign the deed and then it will be recorded in West Chester.

**SHAWN CARROLL**

Shawn Carroll asked if the Finance Committee would contact him when they are ready to go over the Fire Company's budget request for next year.

Russ Kilmer made a motion to go into an Executive Session at 9:40 P.M., 2<sup>nd</sup> by Fred Bryan, motion carried.

President Pusey called the meeting back to order at 10:25 P.M.

Russ Kilmer made a motion to adjourn the meeting at 10:25 p.m., 2<sup>nd</sup> by Fred Bryan, motion carried.

Respectfully submitted,

Becky Brownback  
Borough Secretary