

**AVONDALE BOROUGH
COUNCIL MEETING
August 18, 2020
6:00 P.M.**

This meeting was conducted via Zoom

MEMBERS PRESENT: Bill Shore, Dave Besselman, Dottie Howell, Bob McCue, Paul Morgan

GUESTS PRESENT: Mayor Steve Cummings, Sandy Masten, Jamie MacCombie, Kim Venzie, Lisa Lightner, Karen Beltran, Fred Walton, Toni Morgan, Chief Simpson, Gonzalo Cano, Jerry Poe, David Unger, Angela Marie Losito, Maya Castillo, Octaviano Evangelista

The meeting was called to order by President Shore.

RESIDENT COMMENTS / REQUEST AND COMPLAINTS

GONZALO CANO - 501 PENNSYLVANIA AVENUE

Mr. Cano sent a letter to the Borough regarding the flooding at the Avondale Apartments and the dissatisfaction on how Avondale Borough and the elected officials handled the situation. He asked to be placed on the agenda.

Mr. Cano and President Shore had a controversial discussion about a conversation they had previously regarding the content of the letter. Kim Venzie told Mr. Cano that this is public comment time so now is the time to express his current concern or comments and not specifically to Mr. Shore. Mr. Cano said his concerns were in the letter. Paul Morgan said Mr. Cano's letter states "Today a group of people from the Latinx community are present at this meeting and we are willing to continue participating to have a positive change in our beloved Avondale." Mr. Morgan said on February 21, 2020, he reached out to Mr. Cano by email and he read the post. "I want a relationship with the Hispanic community because you are right that Hispanics are 67% of the population. How do I connect, do I go to St. Rocco's, or is there an organization within the Borough to connect with?" Mr. Morgan said he also contacted St. Rocco's Abner Santiago by email where he states the same thing that he would like to have a connection with the Hispanic community. There was no response from the two emails. His offer still stands that he would like to meet and talk and start building a bridge. President Shore said it would be great if Paul reaches out to the Latino population to have interaction between the Latino groups and Borough Council, Council agreed.

Bill Shore (Mr. Shore is the Borough's Emergency Management Coordinator) said he always gets involved from the emergency management side of disasters making sure people have accommodations that are safe. With the recent event, he went even further and contacted the assistant at the Chester County Emergency Services because of the repetitive flooding in this building. Hopefully, we will get an answer soon. The Red Cross did a great job when he was out with them at 2:00 a.m. finding housing for the people that were displaced out of their homes. He has been EMC since 2007 and his heart goes out to the people. He has a good repour with the people at the apartments; they know his job is to try and keep them safe.

Mr. Morgan said the apartments have been flooded so many times how do they still use the bottom floor. Mr. Shore said there is nothing that we can do on this level but he has spoken with the County to see if there is anything, they can do to change that. We go through all the work with the code enforcement officer, he inspects the property and gets them to bring everything back to code. Then there is another flood and we go through this all over again. The one stumbling block we have is that nobody enforces black mold, they can't enforce it in the Borough, County, or State. The EPA has no guidelines for it.

Kim Venzie said she has spoken with Anthony Campbell and Bill Shore about the property. If the code enforcement officer does not have a reason to condemn a property or if there is no building code violation, there is nothing we can do at this

level. If there are concerns with the building and safety issues then we need to look into it more to see if there is something we can do. We are going to work with the County to see if people shouldn't be living in this building and see if we have the legal means. This is bigger than Avondale Borough, this is the health department's job to see that people are safe. President Shore said the public needs to know that we have been moving forward and working with the County and the State to try and mitigate this problem. We understand that people are displaced but we want them safe.

Jamie MacCombie said he contacted FEMA and he is waiting to get a response from them regarding the habitation of the apartments and what else we can do from a mitigation standpoint. The existing building is grandfathered under Federal Law with regards to it being constructed in a flood plain. During this past storm, there was 8.59 inches of rain in 9 hours so it was a 1,000-year storm where FEMA only regulates up to a 100-year storm which is 7.2 to 7.5 inches of rain in 24 hours. We are seeing if FEMA can give us some assistance to help the residents and resolve this issue as best as we can.

Mr. Cano said he would like to know what is going on so he can help mitigate the problem. President Shore said he is not sure what happens after the Red Cross leaves and asked Mr. Cano if there is anyone still looking for housing. Mr. Cano said there still some people living at the hotel and asked if the Borough could help. Paul Morgan volunteered to help in anyway and will reach out again to Mr. Cano.

President Shore thanked everyone and hoped that a lot of questions were answered and that everyone understands that Borough Council has moved forward with anything in our power with the problem at the Avondale Apartments and will move forward with the County and State Governments.

TONI MORGAN – 7 N. WILLIAMSON ROAD

Ms. Morgan asked if Indian Run Road at the quarry is being looked at after the damage from the storm? Jamie MacCombie said he looked at it and in his opinion the road itself is not failing but the part that has collapsed needs to be temporarily secured to prevent vehicles from going into it. Mr. MacCombie will report on this subject later.

SUSAN RZUCIDLO – 105 GARNER DRIVE

Ms. Rzucidlo said she wasn't at the last meeting but sent an email to the Secretary with her comments; but did not get a response. When Becka resigned; instead of giving 30 days for other people to send in letters of interest, Council went ahead and seated Dottie and she feels that Council violated Borough Code and the Sunshine Laws.

Kim Venzie's response to the above comment: In the Borough Code there is no set way in which to replace a seat. There is a time frame to appoint someone but it doesn't say that you have to send out notices, or interview people; there is no set process in the Borough Code. When we were looking for a new mayor, we did go through a more detailed process but that is not required. Council already had two letters of interest to fill the seat. In the past, Council has appointed Council members in a quick manner so they didn't do anything different than they did before this appointment. Council did follow the Borough Code and nothing was done illegally. Ms. Rzucidlo said we should have some consistency; we always hear that no one steps up and you had people that were interested and you didn't even listen. It took 30 days and a letter to residents to replace the mayor and it should be the same for council members. If there is nothing in Borough Code then Council should set up guidelines so it is the same all the time and it gives other people time to participate.

Ms. Rzucidlo said her other issue is the trash company left piles of broken glass throughout the Borough. She reached out to Trash Tech and felt as a resident she should since they are providing the trash service. She also let the Borough know she contacted Trash Tech. She was told by the Borough that it was something that Dottie should handle. If this is the case then the Borough needs to let the residents know how to handle trash being left in the neighborhood because it was dangerous.

RESOLUTION 2020-3 FORMALIZE MOTION TO APPOINT DORIS E. HOWELL TO BOROUGH COUNCIL

Dave Besselman made a motion to adopt Resolution 2020-3, 2nd by Bob McCue, Paul Morgan-nay, Bill Shore-yea, Dottie Howell-abstained, motion carried with a 3-1 vote.

APPROVAL OF MINUTES

Bob McCue made a motion to approve the minutes from the Council Meeting on July 21, 2020, 2nd by Paul Morgan, motion carried.

SOUTHERN CHESTER COUNTY REGIONAL POLICE DEPARTMENT REPORT

Chief Simpson gave the following report:

The second quarter report has been completed and distributed. It has updates on what is going on in 2020. A lot of the projects have been put on pause because of COVID-19. The chief to the accreditation assessment team highly recommended the SCCRP to achieve accredited status to the Pennsylvania Law Enforcement Accreditation Commission. President Shore said he would like to recognize Officer Mario Ramaito for his help during the flood at the apartments; he was such a great help to him and the residents.

WWTP OPERATIONS REPORT

Fred Walton gave the following report:

Everything is online except the influent screener and grinder. We have an issue in the pump house with the PLC's not communicating. The influent wet well and chlorine contact tanks were pumped out and cleaned. The wet well grinder controller is not working and needs replaced. The chlorine gas feed system is on line. Distribution free chlorine levels are normal. The new well filter were backwashed and a manganese sample was taken. The results came back and we are slightly above the manganese limit. We will do another filter backwash and collect another sample.

BOROUGH ENGINEER'S REPORT

Jamie MacCombie gave the following report:

RESERVOIR COVER

The subsurface utilities were located and an as built of the locations will be provided to the Borough. The concrete vault for the altitude valve has been ordered. All valves have been delivered to the contractor for the project. The Contractor is requesting a release of \$11,181.18 for stored materials related to the project. Typically, we don't release funds until the project is completed but it is up to Council whether to release the funds or not. After discussion, Council agreed not to release the funds.

GREASE TRAP ENFORCEMENT

Mr. Garcia, the owner of Valero called and said he has installed a grease trap. Mr. Garcia did not notify or get a permit prior to getting the grease trap. Dave Porter from Jamie's office will do a site visit to China King and Valero to get their issues resolved.

STREAMBANK STABILIZATION PROJECT

The bid package is ready and we need Council's approval to advertise. Dave Besselman made a motion to advertise the streambank stabilization project, 2nd by Paul Morgan, motion carried.

WELLHEARD PROTECTION

The project is scheduled to go out to bid in the fall with an early spring start date.

POE – PRELIMINARY LAND DEVELOPMENT APPLICATION

A review letter was sent out and they have been in contact with Mr. Poe's engineer. Most of the issues have been resolved but there is still a storm drainage issue.

FIRE HYDRANT FLUSHING

KBX will be on site to start the hydrant flushing on Thursday. We want to flush the hydrants before the new well goes online.

MASTER CASTING AGREEMENT – RESOLUTION 2020-4

A master casting agreement comes from PennDOT. When PennDOT does a project on a State highway, the Borough is responsible to make adjustments to the manholes. With the agreement PennDOT will adjust the manholes and charge the Borough at a fixed cost that is in the agreement. If there is no agreement then the Borough would have to hire someone else to raise the manhole covers and coordinate with PennDOT. Bob McCue made a motion to adopt Resolution 2020-4, 2nd by Paul Morgan, motion carried. This Resolution authorizes the president of council to sign the agreement. This agreement is for 9 years ending in 2029.

INDIAN RUN ROAD AT QUARRY – STORM DAMAGE

After doing a site inspection; the water doesn't seem to be seeping under the roadway. The water caused the gabion to fail in the center and washed away all the dirt in that area. In order to temporarily repair the area, you will need number four stone between the roadway and the gabion baskets to stabilize the area so someone doesn't drive off into the hole. We are trying to go through FEMA to get the funding to make a permanent fix. Bob McCue suggested getting some flashing light barricades, Council agreed and Dave will order them from Knox Rentals. There was discussion about draining the quarry, Jamie will contact DEP for regulations and report back to Council.

BOROUGH SOLICITORS REPORT

Kim Venzie gave the following report:

WEBB EASEMENT

We had success on getting the easement signed and can move forward with the project.

WORKMEN'S COMPENSATION COVERAGE

Will send a draft of the workmen's compensation ordinance for Council's review.

AVONDALE APARTMENTS

Will continue to work with Bill and the County to see if we can get some answers to the issues at the apartments.

FINANCE COMMITTEEAPPROVAL OF BILLS AND FINANCIAL STATEMENTS FROM JULY 2020.

Bob McCue made a motion to approve the Bills and Financial Statements from July, 2nd by Paul Morgan motion carried.

2021 BUDGET

Paul Morgan said he would like to have the ordinances codified under General Code. Kim Venzie said General Code takes the ordinances and puts them into a more formal format where it can be accessed online. The cost ranges from \$8,000-\$11,000 for General Codes cost and \$5,000 for Kim's cost so the total would be between \$13,000-\$16,000.

MAYOR'S REPORT

Mayor Steve Cummings gave the following report:

CHRISTMAS TREE LIGHTING – DECEMBER 1, 2020 @ 7:30 P.M.

Since we are changing the location of the tree lighting, we are going to need decorations for the tree. Dave Besselman said there should be money in the budget but will check with Sandy. Dottie Howell said so far, we have lined up Santa Claus, dancers, and a sing along.

OLD BUSINESS

BOROUGH BUILDING RENOVATIONS UPDATE

The siding is on and they are doing inside finished work. The big hold back will be the windows and doors because they are being customized made.

FENCE AT POMEROY PLAYGROUND

The fence has been installed and the project complete.

ELECTION VENUE

Bob McCue asked where the November 3rd election will take place because the Chester County website states that the election will be at the Presbyterian Church. Dave Besselman said we have committed to Voter's Services to hold the election at the Borough Hall. The Secretary will call and confirm with Voter's Services.

NEW BUSINESS

MONUMENT DESIGN PLAN

Dottie Howell said she has received a design plan from Mike Donahue for the monument upgrade. The Rotary Club has volunteered to help with the monument. There is \$2,800.00 left from the fall festival which was kept separate from the Borough and the committee would like to donate that money for the monument. More information on the cost, etc. will be forthcoming.

CODE ENFORCEMENT / BUILDING INSPECTOR – RESIGNATION.

Anthony Campbell will be resigning as of October 1, 2020.

ANNOUNCEMENTS

- Work Session – Tuesday, September 8, 2020 @6:00 p.m.
- Council Meeting - Tuesday, September 15, 2020 @6:00 p.m.

Dave Besselman made a motion to adjourn the meeting at 8:02 p.m. 2nd by Bob McCue, motion carried.

Respectfully Submitted,



Becky Brownback
Borough Secretary