

ALDAN BOROUGH, DELAWARE COUNTY, PENNSYLVANIA

April 13, 2011

The Borough Council met in an executive session at 7:30 p.m. and in a regular session at 8:00 p.m. at the William Reinl Recreation Building on the above date with President Short presiding.

The Pledge of Allegiance was recited and led by President Short.

ROLL CALL

Council members present: H. Short; P. Brookes; T. Owen; M. Xavier;
J. Cosgrove; S. Coppola; R. Baker

Council members absent: None

Officers present: J. Hopely, Mayor; T. Quinn, Treasurer
G. Sefflin, Solicitor

Officers absent: G. Kaut, Secretary

MINUTES

On a motion made by P. Brookes seconded by S. Coppola minutes from the March 9, 2011, Council Meeting be accepted as presented and unanimously approved.

WRITTEN CORRESPONDENCE

No written correspondence tonight.

VERBAL CORRESPONDENCE

There is no verbal correspondence tonight.

MAYOR REPORT

Mayor Hopely turned the meeting over to Councilmen Xavier. Councilmen Xavier has some good news tonight; we are bringing on a new Part Time Officer Matt Martino. Matt graduated from Bonner High School; is also a graduate of Neumann University with a degree in Criminal Justice and he attended the Delaware County Police Academy. Matt currently works as an evidence technician with Upper Darby Police Department and comes highly recommended by the Command Staff at Upper Darby Police Department. Matt is here tonight with his Mom, Maryanne and his Dad, Michael. Mayor Hopely then swore in Matt Martino as a Part Time Police Officer for Aldan Borough.

Mayor Hopely announced and made a Proclamation that April is Aldan Girls Club Month. In 1968, a group of civic minded ladies organized the Aldan Girls Club, with the objective of promoting good character, high moral values and respect for others. Since then, the Girls' Club has been providing healthy recreational activities under adult supervision. The present activities include basketball, bowling, soccer, cheerleading and softball for over 100 girls. In appreciation and recognition, Mayor Hopely, does proclaim the month of April, 2011 as Aldan Girls' Club Month, in the Borough of Aldan.

REPORTS OF OFFICERS

TREASURER

Terry Quinn read the Treasurer's Report:

	<u>General Fund</u>	<u>State Highway Fund</u>
Balance of cash on hand	\$ 486,161.61	\$.03
Receipts for period	\$ 488,722.44	77,297.53
Interest		\$.00
Expenditures Prior Month	\$ 173,756.94	\$
Balance	\$ 801,127.11	\$ 77,297.56

Terry Quinn is asking Council's approval to release check this evening for checks from the General Fund totaling \$274,023.52. Since the ending balance of cash on hand permits, Mrs. Quinn will be returning the \$200,000.00 that was borrowed from the reserve earlier this month. Councilwomen Brookes made a motion to accept the Treasurer's Report as presented and authorize her to release the checks as indicated on the bills list, seconded by Councilwomen Owen and unanimously approved.

SOLICITOR

Mr. Seflin reported on the Tax Delinquency Program for 2008 and 2009. Within the last month we have received a check for \$3,116.00 from the new owners of 116 South Woodlawn Avenue. This was a non-resident property owner who has been a habitual delinquent for the last 4 years and now the property is in foreclosure the bank tendered those funds but they are still delinquent for 2010. Mr. Seflin did write to the bank's representative to advise them of this matter. There were 2 properties that were delinquent for the last 2 years and I was contacted by a finance company for the owners of 25 Albert Avenue and 404 Willows Lane and we did receive a check for \$ 1,071.42 for those two properties for 2010.

Mr. Seflin commented if there are any questions about the new Resolution or the Ordinance tonight he would be happy to answer.

ENGINEER

Mr. Close reported our 2008 CBDG Lobbs Run Phase I project has been completed, the punch list has been rapped up and the final payment request was submitted to the Office of Housing and Community Development last month. This project is done.

Mr. Close reported on our 2010 CBDG Project, Phase II Lobbs Run Interceptor Project. A lot has happened since last months Council Meeting. We had a pre-construction meeting on March 16th and they gave us Notice to Proceed on March 21st, the posting were set up and a pre-construction video was done, by-pass pumping was set up, erosion and sediment control, the access, and the manhole repairs and most of the cured in place liner has been completed as of today. We expect the base contract to be substantially complete by early next week. We did uncover, within the section that was slip lined back in 2000 right along the creek our manhole 223B severely deteriorated and we pulled the vines off it to do the new manhole top that was part of the project, was really in bad shape. We coordinated with OHCD and have been authorized to prepare a Change Order to repair that manhole. As soon as the slip linking part is done the contractor is going to repair that manhole under a change order as part of this contract. That will take a week or two after the base work is done but they should be finished by early May.

Mr. Close has been reporting on our MPDS MS4 Program, we are working on this year's report which is due June, 2011. We have completed out Outfall sampling which is required every two years. We attended the Eastern Delaware County COG meeting on March 29, 2011 about the Intergovernmental Agreement they are working on. They plan to send a letter to all 11 boroughs within the next few weeks, asking for a non-binding commitment whether or not each borough thinks if they will sign the Intermunicipal Agreement. When the letter comes in Mr. Close will take a look at it and Council can make a decision.

Dan Procopio asked what the additional cost will be for the work on the manhole and if it will be covered by the grant. The actual cost has not been determined yet because it is very tricky in that area. We have to get the by-pass pump in, televise it and see what the full extent of the damage is. OHCD is fully on board with difficulties of accessing what the scope and cost of the work is going to be. It will be paid for under the OHCD grant. We will assess what the fix will be, we will define that for OHCD and they will approve the work.

Dan Procopio asked if the Intergovernmental Agreement has been given to our Solicitor for review. Mr. Close has received a draft of this agreement and has been involved in the work groups but our Solicitor has not reviewed the agreement.

REPORTS OF COMMITTEES

PUBLIC HEALTH

Councilwomen Owen reported on the National Drug Take Back Event. This was a program developed by the United States Drug Enforcement Agency to help get unwanted and expired medications out of medicine cabinets and homes and into the waste disposal system so we can prevent misuse, abuse and polluting our water streams. This second Drug Take Back Event will be held on Saturday, April 30, 2011 from 10 to 2 at the Aldan Police Station Parking Lot. The last event was a success with 4,000 take back sites and each state was represented with the collections totals more than 121 ton of pills. This was a worthwhile campaign. This is an anonymous event with no questions or requests for ID. We are only accepting prescription and over the counter pills and capsules. No liquid products or plastic bottles can be accepted. The plastic bottles that medications come in can be disposed of at local pharmacies and drug stores. Intravenous solution, injectables, and syringes also will not be accepted because they hold bacteria and become problematic with the kind of collection style that we have.

We are also going to raffle off a lock medication box that was given to each of the sites by the Behavioral Health Program in Delaware County, Holcomb.

Councilwoman Owen reported Bulk Trash Collection for 2011 will be the East side of the Borough from Springfield Road to Clifton Avenue will be May 4th and the West side of the Borough from Oak Avenue to Woodlawn Avenue will be May 18th. These will be the first and third Wednesdays in May. Councilwomen Owen mentioned this will be our 30th consecutive year for this event. Our web site will have the items that can not be collected by our hauler; some of those items include anything that has Freon contained such as refrigerators, air conditioners and humidifiers, also lumber, tree branches, building materials and a complete list is available on the web site.

Councilwoman Owen reported the date for the County wide Household Hazardous Waste Collection will be Saturday, May 7th at the Marple Transfer Station from 9 to 3 rain or shine. They are only collecting household item this time no computer equipment. The Household items are flammables, pesticides, caustics, toxics, cell phones, lead acid batteries and household batteries.

Councilwoman Owen forgot to mention about the National Drug Take Back Program the hours are between 10 and 2. The Drug Enforcement Agency sends a field rep during the day to find our how we are making out and to make sure all the rules are being followed.

Councilwomen Owen was asked if they would take epee pens. Councilwomen Owen responded no because that is a Syringe and they cannot collect it.

Dan Procopio asked what you would like the pills to be in a plastic bag. Councilwomen Owen said we actually dump the pills or capsules out into a container provided to us by Holcomb.

Dan Procopio asked about Bulk Trash Pick Up and what date is Clifton Avenue is on. Councilwomen Owen said both sides of Clifton Avenue will be picked up on May 4th or 18th .

HIGHWAY

Councilmen Cosgrove gave an update on the 2011 Road Program we have received the contract from the State for the grant we have been awarded. We now have to open a checking account so we can deposit that money and from there we would go to the advertising and bid the project. Terry Gallagher, from Kelly/Close reviewed all the streets and intersections in town to develop a list of priorities to repair and repave. Some of the streets and intersections on the list are also on the Aqua work order list. With that in mind we have an amendment to Ordinance 507 to provide for revised standards for street restorations following the opening or excavating of any street within the Borough of Aldan. Mr. Seflin explained there has been an ongoing problem regarding Utility ditches, they sink, and they are not properly restored or repaved. Several years ago the Borough passed an Ordinance on Street Openings or Excavations Ordinance. Council after much discussion felt the need to amend this Ordinance in order to have the Utilities or plumbers or whoever the applicant is that is opening the street to do a better job. Council believes the current Ordinance does not quite get the job done because you can have small restorations being done and maybe not done correctly causing sink holes, pot holes and all other kinds of problems. Then there are cracks in the surface of the original roadway then we have to pave the road more often and cost the tax payers more money.

This Ordinance would amend Section 213-27 of the Code of the Borough of Aldan and the proposed ordinance would require an applicant who excavates 24 square feet or more of a street to repave at least half of the street. Also addressed in this Ordinance is when an applicant had a group of smaller openings but did not repave the whole street they would just patch the openings and then the openings would fail. Another issue is if you had 10 sq feet on one side of the road and 12 sq feet on the other side the applicant would have to repair from curb to curb and the entire length of the excavation. Councilmen Cosgrove made a motion to adopt Ordinance No 507, an Amendment to Borough of Aldan Code Section 213-27 seconded by Councilmen Baker and unanimously approved.

PUBLIC WORKS

Councilmen Coppola read Resolution # 2011-02 Borough of Aldan, Delaware County, Pennsylvania, demanding that the Darby Creek Joint Authority immediately take action to collect all delinquent fees from its member municipalities and, in the future, not allow the residents of responsible municipalities from bearing the burden of irresponsible leaders from delinquent municipalities.

Councilmen Coppola commented what we are going to do tonight as discussed is turn this Resolution over to our Representative to DELCORA, Charlie Duffy, and ask him to confirm and verify that all the figures in the Resolution are correct and then Council would look forward to passing this Resolution at a later date, once everything we read tonight is verified.

Charlie Duffy commented one thing mentioned that the towns that are paying their bills in a timely manner would have to pay more to make up the shortfalls of the two towns that are not paying. Actually there is a reserve fund of several million dollars. That reserve funds drops somewhat when these 1.7 million dollars is not up to date and paid. Consequently, the Solicitor on Darby Creek Joint Authority, Mr. James Merkins, has met several times especially with Darby Borough, who has been in the rears now for some 2 ½ years and they have been assessed interest and penalties. They met 2 or 3 weeks ago and they (Darby Borough) agreed to make payments on a timely basis. These payments do include interest and penalties, and we expect by the end of the year they would be just about caught up. Colwyn Borough has been in the rears since January of last year. There are representatives from these two towns, unfortunately we have not had the Darby Borough representative since early last year and we have not seen him since then. People have paid their sewer bills but they do have a very large delinquency rate there but at least 80% of the people have paid their sewer bills but Darby Creek has not received diddly. They are being held accountable. The Darby Creek Joint Authority meeting will be next Wednesday, April 20th at the Springfield Township Municipal Building and we will expect answers at this time and Mr. Duffy will report back to Council. It is unfair that the 10 other Municipalities are paying on a timely basis but Mr. Duffy wanted us to know that the 10 towns are not paying more in sewer bills it is just the reserve fund has dropped down 1.7 million dollars. This is 1.7 million dollars less to invest but it is being made up on the other end by assessing the penalties and interest payments. It is very juvenile for elected officials of these towns to act in this matter because these funds have been paid by the citizen's rate and can understand if it was the property taxes but people have made their payments and expect to have prompt services accordingly.

President Short commented, when you created the fund it was not meant to pay delinquent towns who collected the sewer funds and chose not to pass it on but use it in some other way, it was there for repairs and such that might occur during the year. The reason we are tabling it is because of the movement that sounds like it might happen.

We will not pass the Resolution tonight and wait till we hear from Mr. Duffy to see how things are going however if there is not movement we will pass the Resolution and pass it onto the other Municipalities. Mr. Duffy commented, we do have a lot of confidence in our Solicitor, James Merkins, who has met with them almost every month and at first they were ignoring us, and we have contacted the court and unless they come up to date and have a timely payment plan setup, we are getting action now. Councilmen Coppola asked Mr. Duffy where they meet. Mr. Duffy responded they meet in their Municipal Offices. The Councilmen asked, but they won't come to meeting. Mr. Duffy said there is a representative from Colwyn and he is embarrassed. Councilmen Baker asked isn't it illegal to collect a tax for a specific item and then not pay that tax. Councilmen Coppola commented these funds are not even intermingled here in Aldan, we collect the sewer fees and it gets turned over to DCJA, it is a straight pass through. Mr. Seflin explained we do keep a little bit for our own sewer maintenance. Councilmen Xavier explained there is a local sewer rental fee that we use.

Mr. McBlain wanted to say thank you to Charlie Duffy for bringing this to Councils attention. Mr. Duffy and Mr. Casadei from Clifton Heights have been leaders trying to get these towns to pay what they owe. Mr. McBlain wanted to comment on something Mr. Duffy said, it is true there might be a reserve fund that the Darby Creek Joint Authority has but any money that is not in that reserve fund doesn't earn interest and is not available to do capital projects it may be necessary. It was not that long ago that Darby Creek Joint Authority used to at the end of the year make rebates to its member municipalities. We pay DCJA based on an estimate and they pay DELCORA based on usage. If that use to change or conditions changed we would often receive rebates. One year it was 40 or 50 thousand dollars turned back to the municipalities. While these Municipalities don't pay what is owed that results in not only the reserve being lower but possibility of a rebate. In essence we have overpaid so that those Municipalities don't have to pay or haven't paid. Councilmen Baker was correct; all of our Municipalities collect sewer fees that are not taxes that could be make for general purposes or other purposes but are specifically a fee for that specific purpose and it was interesting to learn from these member municipalities who have not paid what they are doing with their sewer fees. This is causing us one way or another, directly or indirectly, to have to pay more to carry these towns. The most difficult thing in the world, because these towns are our neighbors, is for a town is to take action against your neighbor. Whether it is we go after them in court because they have not paid their sewer fees or take a Code Enforcement action against them. We do that on a Local level it is the most unpleasant part of a Council person's job. Mr. McBlain asked Mr. Seflin what the collection rate for 2008 or 2009, Mr. Seflin responded for 2008 we have 1 outstanding delinquency and that is in the process of being foreclosed and for 2009 we have about 7 delinquencies and 6 of the 7 have judgments against them that are being worked on by the court and one person is in bankruptcy. We do a very good job and our residents are very responsible to pay the bills. We do what we are supposed to do for the residents in Aldan who do pay; Borough Council goes after the ones who don't pay. It is difficult to take action against your neighbor but sometime it is necessary. Mr. McBlain certainly does agree and thinks Council is doing a good thing, and it is time that Darby Creek Joint Authority did do that and want to thank Mr. Duffy for his efforts. Mr. Duffy commented the other 9 towns beside Aldan that pay their bills feel the same way Aldan does, including Springfield and Upper Darby who are responsible towns. Mr. Duffy hopes to have more definitive positive news after next week. President Short commented as distasteful as it may be, taking action against your neighbor, it would be a grave disservice to our citizens in Aldan if we didn't do something. President Short also reported that tonight we paid our first quarter bill to DELCORA of \$133,959.25 so we are doing our part on time. Mr. Duffy said Mr. Close deserves a big round of applause because of following through and finding out the duplications of the billing which should have been billed to other towns. They checked the sewer flows thought-out the entire perimeter of the town and found out that significant over billing by DELCORA. The residents realized terrific savings last year because of these findings. Thank you again Mr. Close.

Mike Ceci commented he thinks this is the right thing to do for Aldan but does it have any legal weight or a kind of political pressure. President Short explained we are asking Darby Creek to take action. This along with passing this Ordinance and distribute it on the other municipalities hoping to do the same in order to put the pressure, take legal action to make these people accountable for where that money went. The money has been collected where is the money. Darby Creek has the authority to take legal action and we are petitioning them to do that. Mike asked if Mr. Duffy represents Aldan and votes on the Darby Creek Joint Authority board. Mr. Duffy commented the 10 members of Darby Creek Joint Authority has directed the Solicitor to file suit.

ADMINISTRATIVE AND BUILDINGS

Councilmen Baker reported the repairs to the Municipal Building and the Reintl Building have been completed and the Insurance Company has reimbursed the Borough for all of our expenses.

Dan Procopio asked if we were going to re-carpet the Rec Building. Councilmen Baker responded he is looking at pricing now.

FINANCE

Councilwomen Brookes reported taxes have started to be collected and seem to be coming in and we also received the Liquid Fuel money.

Dan Procopio asked there was a previous transfer, does the transfer have to be voted on by Council to go back into the fund. Council's responded no. Dan asked it was not reflected in the money that was allotted tonight. Mr. Seflin explained it is not an expenditure it is a transfer that the Finance Committee has the authority over. Dan asked there has been discussion at previously Council Meetings about the Highway Fund and the General Fund used to loan the Highway fund and what was allowable but did not hear any expenditures from the Highway Fund tonight. Terry Quinn responded there were no expenditures from the Highway Fund and there have not been since the Liquid Fuels Fund was depleted last year. Now that we have received the Liquid Fuel Funds for this year we do have checks that were signed tonight for this coming month for Street Lights and Traffic Signals that are coming out of the Highway Fund so they will begin in April.

LAW, ORDINANCE & PUBLIC SAFETY

Councilmen Xavier reported some good news we replaced the Chevy Impala with a 2011 Ford Explorer for the Police Department. This was purchased entirely from a Grant through Senator Erickson through the efforts of Council and the Police Department and Mr. McBlain. This not only covered the cost of the vehicle but also the up fit, so there was no expense whatsoever to the tax payers on this vehicle.

Councilmen Xavier reported for the month of March, 2011 we had 75 Building Permits issued with a construction value of \$369,436.91; and there were 65 Mid-Term/Transfer Inspections; there were 2 Plumbing Permits issued with a construction value of \$3,300.00

Councilmen Xavier reported on the Fire Marshal's report for the month of March, 2011. During the month of March Collingdale Fire Companies #1 & #2 responded to 5 calls in the Borough, 4 resulted in no damage and 1 had damage of \$3,000.00. Collingdale Ambulance/Paramedics responded to 25 calls in the Borough.

Dan Procopio asked if we sold the older police vehicle. This was sold through Municibid for \$1,500.00.

UNFINISHED BUSINESS

There is no unfinished business this month.

NEW BUSINESS

President Short reported Caucus will be Wednesday, May 4, 2011 at 7:30 P.M. at the Municipal Building at 7:30 PM.; and Council will meet on Wednesday, May 11, 2011 at the Reintl Recreation Building at 8:00 PM.

PRIVELIGE OF THE FLOOR

Charlie Duffy announced the Boosters Annual Easter Egg Hunt will take place this Saturday, April 16th at noon on the Baseball field and this we added something new. There will be an Adult Easter Hunt after the children are finished. We want to thank Mr. Cosgrove, Mayor Hopely, and Mr. Baker.

Dan Procopio commented that Councilmen Baker was not available at last months meeting but Dan wanted to acknowledge Mr. Baker for all his years of service on Council and thank him for answering Dan questions and for your years of service. Thank you.

Mike Ceci commented that the Boosters Annual Plant Sale will be held on May 7th .

Bob Reardon reported for the William Penn School Board. At this time the Board is entertaining a 4.9% tax increase for 2011-2012. There are two budgets scheduled for May the first meeting is scheduled for May 3rd at 6:30 at Green Avenue Annex in Lansdowne. There was discussion between Dan Procopio and Bob Reardon but it could not be understood on the tape.

ADJOURNMENT

On a motion made by Councilwomen Owen seconded by Councilwomen Brookes and unanimously, approved, the regular meeting of the Borough Council was adjourned at 8:45 P.M.

ATTEST

MARIE V. KAUT
Borough Secretary