

**ALDAN BOROUGH, DELAWARE COUNTY, PENNSYLVANIA**

March 10, 2010

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 Center on the above date with President Short presiding.

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

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**ROLL CALL**

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

Council members absent: None

Officers present: J. Hopely, Mayor; T. Quinn, Treasurer  
G. Kaut, Secretary; G. Seflin, Solicitor

Officers absent: None

**MINUTES**

On a motion made by P. Brookes seconded by T. Owen the minutes from the February 10, 2009, Council Meeting be accepted as presented and unanimously approved.

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**WRITTEN CORRESPONDENCE**

No written correspondence tonight.

**VERBAL CORRESPONDENCE**

No verbal correspondence tonight.

President Short explained during the Reorganization Meeting on January 4, 2010 Charlie Duffy had not been appointed as Aldan's representative to Darby Creek Joint Authority. Mayor Hopely swore in Charlie Duffy as Aldan's Representative to DCJA.

## **REPORTS OF OFFICERS**

### **MAYOR**

Mayor Hopely reported Officers Colligan and Ziviello attended the FBI Inter-County Detective School. This is a one week school that deals with the latest in investigative techniques. All our Police Officers are in the process of attending state mandatory training. The Police Department continues to work the various 15 MPH School Zones.

Mayor Hopely commented on the winter and the record snow falls that we have had and the way the Borough and the residents of Aldan responded. Phillips Enterprise did an excellent job being their first year and enormity of the snow and we heard maybe one negative comment and that was very mild. Residents came up to the Mayor saying what a good job they did and we don't hear that very often. The Chief was tracking down PECO trucks to cut down limbs that were hanging over and looking like they were going to fall. A special thanks to Joe Cosgrove for the work he did with Phillips and the direction he gave them to get the trouble spots. This was Phillips first year but also Joe's first year and also Steve Coppola who was involved with some trees that were down. Mayor Hopely wanted to thank all of them along with the residents who did not throw as much snow into the streets.

Councilwomen Owen commented on a newspaper snippet from a few weeks ago. Twenty-five years ago the Aldan Boosters Civic Association is honoring two residents because of their outstanding work in the community. They are Jim Hopely and Eleanor Emmanuel. Councilwomen Owen said Mayor Hopely is still doing outstanding work and find it a privilege to be in his company. Eleanor Emmanuel was on Council and her husband Bill Emmanuel was Republican Chairmen.

### **TREASURER**

Terry Quinn wanted to mention some of the special funds we received this month; we received our annual Liquid Fuels allocation from the state, which is to be used for transportation related expenses. The amount was \$ 75,240.84, this money was deposited into the State Highway Fund; due to the high cost of winter storm clean-up this year these funds were released a month ahead of schedule. We were fortunate because all of our required reports were submitted early we were able to benefit from the early release of these funds. Also each year Chief Coppola completes a report for the state so we may be reimbursed the sales tax on gasoline purchased for use by the police cars. We received our 2009 check this month for \$2,008.72 and this was deposited into the General Fund as miscellaneous item. There was also a loan of \$200,000.00 transferred from the reserve to the General Fund; this loan will be returned in the next month or two when our Borough Tax receipts come in. Also of this \$200,000.00, \$30,000.00 was given to the State Highway Fund and will be returned in April since we have received our allocation.

Terry Quinn read the Treasurer’s Report:

	<u>General Fund</u>	<u>State Highway Fund</u>
Balance of cash on hand	\$ 5,437.21	\$ 30,006.66
Receipts for period	\$ 403,846.52	\$ 75,245.64
Interest		
Expenditures Prior Month	\$ 131,263.19	\$ 7,241.92
Balance	\$ 278,020.54	\$ 98,010.38

Terry Quinn asked Council’s approval this evening for checks from the General Fund totaling \$251,101.92 and checks from the State Highway Fund for \$37,241.92. Councilmen Xavier made the motion to approve the Treasurer’s report as presented and authorize her to release the checks as indicated on the bills list, seconded by Councilmen Baker and unanimously approved.

**SOLICITOR**

Mr. Seflin had nothing new to report tonight.

**ENGINEER**

Mr. Close reported on the MS4 Storm Water Program, we are preparing our 2009 annual report and we also attended the Eastern Delaware County Cog MS 4 meeting in late January. Mr. Duffy our MS 4 coordinator was also in attendance. The County through the Eastern Delaware County Cog received about \$180,000.00 grant. They have hired an attorney and they are looking to hire a MS 4 coordinator to represent all of the Municipalities within the Cog. They are looking at consolidating efforts for public education, some of our requirements as being part of being a permittee for that. There is really no obligation at this point to join because they are going to operate this way for about two years and we will be able to make use of some of the collective efforts that this money is going to put together and we use that information for our own annual reporting requirement. By March of 2011 we will be asked if we are going to commit in or out. After the two years is up and the grant is used up there is a potential they will look for all the Municipalities to get together to have one centralized person to coordinate the efforts. There are pros and cons to that right now, so Mr. Close is going to monitor the situation and as information comes in, Mr. Close will report back to the Borough a recommendation whether to go along with that group or continue to do as we are doing right now.

Mr. Close reported in January we prepared our annual Chapter 94 report. This is our annual Pennsylvania Department of Environmental Protection Sewage Planning Report which we are required to submit to the Darby Creek Joint Authority and that has been done.

Mr. Close reported relative to our Lobbs Run Phase I CDBG Project we attended our pre-construction meeting at the office of Housing and Community Development. This meeting was with the contractor and was primarily a paper work review; there is a lot of paper work involved since this is a federally funded program. All of this was reviewed with the Contractor yesterday. We will also have a site pre-construction meeting with the contractor in the near future.

There is a tentative date of early April we are looking to start depending on weather and the high density polyethylene pipe because of the down economy the suppliers don't really keep much on the shelves so the lead time is up in the air right now, so we are working that out with the contractor to actually set the start date. There is 120 days per the contract to finish the work so if it does start April 1<sup>st</sup> it will finish up around August. They will get finished much sooner than that once they get in they will really tackle the job and finish quickly. The borough has a mailer that will go out to any effected properties along that route to give them a heads up to what is coming. Certainly there is going to be some disruptions but less than what is would be if we opened trenched the project. This is really the least disruptive, doing this slip lining project, but there will be some disruptions and we will notify the folks at the appropriate time.

Charlie Duffy commented the Strom Water Management Team is meeting on a monthly basis since January and prior to that they were meeting twice a year. Dan Procopio has also been attending and also Terry Gallagher from the Kelly/Close Office. Mr. Duffy said there should be no cost factor for the next 2 year period till the end of 2011. We are hoping and anticipating getting some more grant money.

Dan Procopio commented he had also been attending the meetings and explained the permitting requirements are going to change probably in early 2011 and the requirement will become more stringent. Things we are currently doing would not meet the newer requirements. There are representatives from the DEP and the State and occasionally from the EPA that does attend these meetings so it is good we have an up and down communications system. It seems they are trying to work with the groups involved and we are a pilot program for the whole state, so that is one of the reasons why there has been a lot of grant money accumulated over time but it may come to the point where what we have been able to do with volunteers and what we can not do and that is one of the reasons why they hired an attorney to look at the legalities of how things can be handled in the future on Strom Water Sewers. If we have a coordinator we will be required to have 3 or 4 informational meetings during the course of the year, which is more than we currently have to do. There is also discussion about have the meeting for the Municipalities together which would save on advertising. It is worth us to stay active and involved and to see where the dollar figure ends up. This is all speculative at this point and this is one of the reasons why they are working with different groups to figure out what this might cost and how everyone wants to opt in or opt out. President Short asked Mr. Close if we have been a lot more active in Aldan adhering to things. Mr. Close responded, yes with minimal dollars have kept up with the regulations, much more cost effective than even the estimates that were done in the original report. They suggested we spend about 7 or 8 thousand dollars a year and we are spending a couple thousand dollars a year and we are doing a good job and get very good raves from the state and that is why we are reluctant to just jump on the band wagon and start spending more money for no good reason when we are doing it very efficiently now. There have been rumblings that regulations are going to increase but they have not nailed anything down. So until Mr. Close hears something firmly he wants to present it at the proper time. Mr. Close will let us know when something is new and is an impact for Aldan. Where we are in this part of the County our storm water system and management is different than Philadelphia or Upper Darby. Some of the new regulations that come out might have a much bigger impact on a bigger town. We need to access what is coming through and what the impact will be on us before we make any decisions. Mr. Close will keep us posted as information come in.

## **REPORTS OF COMMITTEES**

### **PLANNING COMMISSION**

Dan Procopio reported the Commission gave Council a draft of an Ordinance on Garage and Yard Sales. President Short explained, we do have the Ordinance and we will be voting on this tonight. We postponed the vote at last month because the only ones in attendance were Council members because of the weather.

Dan also reported working on some of the other Ordinances, the Zoning Ordinance and some other proposals. The Commission is postponing the March meeting from the last Thursday in March till the first Thursday in April at the Municipal Building at 7:30 PM

### **HISTORICAL COMMISSION**

Councilwoman Brookes will report for the Historical Commission during her Committee Report.

### **PUBLIC HEALTH**

Councilwoman Owen reported the Solid Waste Authority holds four annual House Hold Hazardous Waste Collection events. The first one of the year will be Saturday, March 27, 2010 at the Marple Transfer Station from 9:00 AM till 3:00 PM rain or shine. This particular event is just for House Hold Hazardous items. These items include flammables, pesticides, caustics, toxics, household batteries, lead-acid batteries, and new on the list this year are cell phones. In April the residents can bring computers, printers, fax machines and small portable TV.

Councilwomen Owen announced at the December meeting County Council approved an agreement with Trust Scripts to promote the availability of discount prescription cards for county residents and their families. As a result of the overwhelming response to these prescription cards County Council is making them available again. With prescription being off the charts as far as the cost this is making it affordable to those falling into situations economically or by virtue of their age to be able to continue getting their prescriptions instead of just stopping their medications. This plan is free there is no enrollment regardless if they are insured or under-insured, the individual's insurance plan and Medicare plans are not effective by this and even with prescription that are not covered under insurance plans they can receive discounts on their prescriptions through this plans. It is most helpful for people who have no prescription coverage at all or one of the people with Medicare that have fallen within that Part D coverage gap and also people that take medications that are over the counter. They have a web site that is user friendly and tell people what pricing is at different pharmacies in the area. In Delaware County there are about 110 participating pharmacies including some of the retail chains and the independent like Wal-Mart and Target. The average discount is about \$24.00 on a prescription. County Council has sent prescription cards to each of the Boroughs and we have them here tonight. Also the can be used within the family, it is not one per person but one per family.

### **HIGHWAY**

Councilmen Cosgrove reported as he did last month the formal 2010 Road Resurfacing Program has been canceled because of the high cost of snow removal.

What we will do is repairs on a case by case basis and Councilmen Cosgrove has identified 3 intersections we will have fixed, all on Walnut Avenue; Glenwood Avenue, Elm Avenue, and Linden Avenue all are in really bad shape. Councilmen Cosgrove would expect as the weather gets warmer a lot of pot holes will be turning up. These are really bad and are making an effort to get those fixed right away but as we go forward we will see a lot more pot holes and we will deal with that on a case by case basis. We also received a letter from County Council stating the Liquid Fuel allocation in the amount of \$5,468.00 has been approved for Aldan but because our formal program has been canceled for the year the money has to go to road resurfacing program. Councilmen Cosgrove will ask Mr. Close, our Engineer, to do the necessary paperwork to carry this amount over till the 2011 program.

Councilmen Cosgrove did speak with Bill Miller from Aqua to see what the status of the Aqua work going on in town. As of today approximately 30% of the pipe work is complete but they did lose some time with the snow problems. Aqua said they are still on schedule with the pipe work for the end of April and finish the paving work by the end of May. President Short asked all the paving they are doing at this point is temporary and they will also come back and re-hook up the services to the individual houses. Councilmen Cosgrove responded that is correct.

Dan Procopio asked what the status was on the previous paving project from Springfield Road to Glenwood Avenue on Magnolia Avenue. Councilmen Cosgrove, Anthony Tartaglia, Bill Miller, from Aqua and the contractor who did the paving met and were all in agreement that needed to be repaired. The person who did the compacting was not there and that may be the weak link but we were going to hold off till the spring.

Dan Procopio also asked about the Liquid Fuel money that comes from the County is only allowed for resurfacing and not the work on the intersections. Councilmen Cosgrove responded that is correct.

### **PUBLIC WORKS**

Councilmen Coppola had nothing new to report on tonight.

### **PUBLIC SAFETY/ HISTORICAL COMMISSION**

Councilwoman Brookes reported on the Fire Marshal's report for February. Collingdale Fire Companies #1 and #2 responded to 5 calls in the Borough during the month of February 2010. During the month of February, 2010 Collingdale Ambulance/Paramedics responded to 26 calls in the Borough of Aldan.

Councilwomen Brookes reported for the Historical Commission and they met last month and discussed the possibility of replacing the lights that outline the Trolley Stop with LED lamps, which would last longer and be more energy efficient. We are researching the cost and how we can raise the funds to do this project. Founders Day this year will be Saturday, September 18, 2010 and our Independence Day, 4<sup>th</sup> of July, festivities will take place on Saturday, July 3<sup>rd</sup>.

**ADMINISTRATIVE and BUILDINGS**

Councilmen Baker explained Ordinance # 503 which Council will vote on tonight. Ordinance # 503 is the Borough of Aldan Garage and Yard Sale Ordinance. Councilmen Baker briefly explained a few things involved in this ordinance. This will limit the number of yard sales to 2 per year per address; the Borough must be contacted at least 24 hours in advance with the name, address, date of sale, telephone number and email address if available; no sale shall exceed 2 consecutive days, property being sold shall be personal property, sale of other than personal property is prohibited, hours of the sale is from 7:00 AM to 7:00 PM, personal property offered for sale must be displayed in a yard, upon a lawn, carport, porch or patio and can not be on the right-of-way, signs permitted, 2 signs not more than 4 square feet each are permitted on the property of the residence and 2 directional signs of not more than 3 square feet, all signs must be removed at the end of the sale or the end of day light, whichever occurs first, no sign shall be exhibited for more than 2 days prior to the day of the sale, there are a few more things about enforcement but this is the just of the Ordinance.

Mike Ceci asked if there were abusers of Yard Sales in the Borough that brought this about. President Short explained there was a resident who would bring in truck loads of clothing and such and selling Hot Dogs and it is things like this that abuses the right of residents to have a yard sale. Our Solicitor, Gary Seflin, explained the Ordinance gets at the heart of the issue as Council has written it. Councilmen Baker said that only personal property can be sold. Mr. Seflin explained that personal property is defined by the ordinance as property which is owned, used and maintained by an individual or members of a residence and acquired in the normal course of living in or maintaining a residence. Personal Property does not include property purchased for resale or obtained on consignment, or by donation. The idea behind this ordinance is to get at the problem of somebody that is conducting a business on the front of their home by having multiple garage sales but really running a business. Mr. Seflin and Mr. Tartaglia have had many discussions about this and this is kind of a way of skirting the Zoning Ordinances.

John McBlain commented he does support the ordinance and there have been only a handful of times where we have had difficult problems. 99% of the time folks that conduct yard sales are the typical yard sales that are incidental to home ownership and everybody appreciates. One of the concerns Mr. McBlain had and was raised at the Planning Commission Meeting is the aspect where folks have to contact the Borough or register ahead of time to have the yard sale. This is the type of thing that is an enforcement problem because people decide to have yard sales on the spur of the moment. This will not be a widely known ordinance for some time. Its not a Municipal Ordinance where people expect they have to register their yard sales so it becomes some sort of an enforcement issue if all of a sudden we have to send out Code Enforcement Officers on a Saturday morning and start shutting down yard sales because somebody didn't call the Borough on Friday afternoon and now are being told perhaps they wouldn't be able to continue. There is a problem every now and then but not a large enough problem that you don't identify where the problem is. For instance the Providence Road issue it comes to attention the first time, so it is known they conducted it, the times after that and they continue after they have been issued a notice they can't do this you will be able to track when they had the yard sales. This is an issue but caution you against killing a fly with a mallet. You maybe have 100 people that are affected in terms of having to register vs. the 1 person who is the problem you are trying to solve. It is a very well written ordinance and was given great attention by the Planning Commission with a lot of good input and changes that were made. Mr. McBlain was not of the majority option but just that issue because from a public standpoint, you are going to be the ones that get the phone calls, when poor Mrs. Smith gets her yard sale shut down on Saturday at 11:00. President Short explained when we received the ordinance from the Planning Commission during the discussion among the Council members that did come up.

Council did instruct the Chief and his officers that this is a learning process and what we are actually looking for and what we are trying to stop. Everyone is on board and knows what we are trying to accomplish when we pass the ordinance and we will handle it in a light manner. We want to protect our residents and want them to enjoy the spring have their yard sales and they are not the people we are trying to hold back it is those few that you just talked about. This gives us something to go after them and make sure they don't have these things every week.

Mike Ceci asked if there are consequences spelled out in the Ordinance for violators of the ordinance. Mr. Sefflin said, yes it is a summary offence if convicted with a fine of no more than \$250.00 plus cost of prosecution. If you are assigned that amount, the judge fines you guilty of that and you don't pay the judge could sentence you to 30 days in jail. Mike Ceci asked if this would be someone who didn't register. Mr. Sefflin explained it would be for any violation of the ordinance, generally it would be for folks who are holding commercial sales. Dan Procopio stated that there is no registration fee for sales. President Short said we adopted the ordinance exactly as it was presented.

Councilmen Baker made a motion to adopt Ordinance # 503, Borough of Aldan Garage and Yard Sale Ordinance, seconded by Councilmen Coppola and unanimously approved.

Councilmen Baker reported he had 2 people out to look at the roof at the Recreation Building and they said that within the next 2 years it will need to be replaced.

## **FINANCE**

Councilmen Xavier reported on the 2009 Franchise Fee from Comcast \$65,018.56. This represents the total revenue to Comcast from the residents of the Borough is 5% of \$1,300,371.30. That is everything from their advertising to your basic cable to your pay for view that has been ordered by the residents of Aldan. That revenue is put in the General Fund under Miscellaneous income.

Dan Procopio asked about the Treasurer's Report. Dan presumes the \$37,000.00 includes the reimbursement of \$30,000.00 from the State Highway Fund. Councilmen Xavier answered yes. Dan said last week the Treasurer commented on the fact that in the first time in the course of audits there was a notation made that transfers into or out of or both the Highway Fund is not a permissible activity. Councilmen Xavier explained we are challenging that. Dan asked for a comment on the nature of that. Councilmen Xavier explained we talked to Leitzell & Economidis, our accounting firm, and they are calling the auditor to question this because they have never heard of such a thing and this happens in all the Municipalities every year and this is a common practice. So we are waiting on an answer back from our accounts who have contacted the auditors. Dan also asked about the loan from the Reserve to the General Fund, do you know the balance of the Reserve Fund at this point in time. Terry Quinn, our Treasurer, reported the balance in the Reserve at this time is about \$800,000.00 before the repayment and this included the Sewer Reserve as well as the General Fund Reserve. The sewer reserve is about half of that amount.

## **LAW, ORDINANCE & BUILDING**

President Short reported for the Month of February we had 9 Mid-Term/Transfer Inspection; we had 7 Building Permits with a construction value of \$49,225.00; and we had 3 Plumbing Permit with a construction value of \$6,198.00.



President Short reported on our negotiations with the pool over the property. We have come to an agreement with the pool. We made an offer to the pool to purchase the 7.8 acres off of Maryland Avenue at a cost of \$290,000.00, they accepted this offer but have to speak to their lender to make some kind of adjustments of what they actually owe. If they can come up with an agreement that is suitable for the pool then the sale will go through. We do have the money in the General Fund to purchase the pool outright however we are looking into alternative funding for the pool. This is the last piece of open space that is left in the Borough. In looking around how these pool closings have effective other towns, Sharon Hill where the ground was purchased but is just sitting there vacant; the Yeadon Pool is up for sale now; Colwyn Pool a developer bought and it things like that we like to try to avoid like going to a developer and them come in and try to jam in as many row homes or town houses as possible and put a strain on the community. This is what we had intent on doing but by no means is this meant to be a bailout for the pool. We will give the pool an opportunity to exist and they will pay us.

Dan Procopio commented it is like a regular real estate transaction you make an offer to buy a house at a given price and you are basically committed to that price and if it ends up not being that price you are not held responsible. Dan doesn't understand the reason why Council couldn't have voted on this or some prior meeting. Councilmen Xavier explained we would have had to advertise and spent the tax payer's money all for nothing. Mr. Seflin explained at this time the seller, Aldan Swim Club Inc., can not tender good title. The agreement of sale that we have is basically worthless unless and until they reach an agreement with their mortgagee. The mortgagee won't speak to them until they have an agreement of sale in hand. The ideal situation would have been for the seller and the mortgagee to come to an agreement and then come to us, the potential buyer, and here's the deal. Their mortgagee, rightly so, because of the various delinquencies that have occurred in their mortgage they have been reluctant to deal with the Swim Club unless and until there is actually an offer on the table. They have an offer on the table in writing, signed by all parties and now it is up to the Swim Club, their attorney to reach an agreement with Council for a fair port and a fair port itself. It is only after that they can contact us and we can set up a time for settlement, which will probably be from the day we get notice, OK we are ready to go, probably 10 days. Within that 10 days Council can meet, at a special meeting, in act a Resolution and we can go to settlement.

Dan Procopio asked if we are leasing the property back to the club if that transaction is more than ten thousand dollars for the course of the year, would you not have to go out for bid for that. Mr. Seflin answered NO it is not a thing we are buying it is a lease, a service it does not fall in the parameters. You are leasing a piece of ground, leasing a piece of ground is a very specialized kind of thing. Dan responded it is not unheard of where leasing a piece of property will be put out for bid where other people might be willing to pay more than you would be getting back. Dan said, not saying it would happen but was under that impression. Mr. Seflin said not on a Swim Club. Mr. Seflin also commented, assuming this goes through this is a very competitive lease; we would actually be seeing a fair return on the investment.

Mike Ceci commented this is something he was hearing a lot of people complaining about when running for office. The point Mike made, being very much in support of this, in fact you are going to be making more than the loss of the tax revenues in what you will be bring in from leasing. You will be getting more revenues than you were last year from the taxes. President Short said, yes the Borough will. Councilmen Xavier explained actually more than we are currently earning as an interest rate on our investments. Mike Ceci commented he understands why the School District would have a concern about this but for the Borough residents, I think its great thing, and I think it's great.

**UNFINISHED BUSINESS**

There is no unfinished business this month.

**NEW BUSINESS**

President Short reported Caucus will be Wednesday, April 7, 2010 at 7:30 P.M. at the Municipal Building; and Council will meet on Wednesday, April 14, 2010 at 7:30 P.M. in an executive session and regular session at 8:00 P.M. at the William Reinl Recreation Center.

**PRIVILEGE OF THE FLOOR**

Greg Brutschea announced the Aldan Boosters will be having the Annual Easter Egg Hunt on March 27<sup>th</sup> at 12:00 noon on the Baseball field.

Dan Procopio commented that he was surprised that Aldan Borough Council met last month considering we were in the midst of a 15 to 20 inch snow storm and the fact that several of the Council members could not be here because of travel restrictions placed on the states. Also our professionals were not at the meeting because of the distance they had to travel. Also of all the other Municipalities that had meetings scheduled on that night, that Mr. Procopio had spoken to, Rose Valley, Darby Township, Morton Borough, all of those did not hold their meeting on that night due to the storm conditions. President Short commented they obviously are not as committed as this Council. Dan said why would you have a meeting when you have to have a snow plow get you into your facility at this particular building where the meeting was supposed to be held but was inaccessible.

Dan came up to the Rec Building the next morning and saw how it was completely plowed in, was surprised that Council would meet considering there was no public participation because no one came probably on the assumption the Council meeting was not going to be held and I would hope the minutes to that meeting would be posted tomorrow so the residents that are interested could at least see what the discussion was among the 5 Council members and the Mayor that were there. In the future you might consider in such dire circumstances not hold a meeting on such a night beyond the fact the Mayor was unhappy that a least 20% of the town suffered through a power outage starting around 8:30 that night and lasted approximately 14 hours. Dan explained he was out shoveling snow till 10:00 PM but was a household that was not impacted by the outage. Dan thinks these were extraordinary circumstances, and there were whole states that were completely shut down and here in the state of Pennsylvania the Governor shut down me 476, the Blue Route, me 76, and me 95 because of conditions that were happening on that day. Dan said, he found it unusual that Council would meet under those circumstances where the residents were unlikely or unable to get to the meeting and hope you would consider that in the future dire serious circumstances. President Short responded that fortunately none of the Council people had to use the Blue Route, the Express Way, or the Turnpike to get to the Council Meeting. At 8:30 when the electric outage occurred the Council meeting was already started. We did move the meeting to the Municipal Building but we did post an officer at the Rec Building to direct or give a ride to anyone to attend the meeting. The way the snow had been going on since the beginning of the year, us getting hit by 2 foot every other week, we were not sure when we could reschedule the meeting and not hit by another snow storm.

We thought it was in the best interest to have the meeting at that point, we wouldn't have to advertise another meeting and the business that was conducted at that meeting there was nothing passed. We waited to pass the Ordinance the Planning Commission presented to us till this month when there would be more of an audience. There were no phone calls made to the Borough asking if the meeting was canceled. Dan said he did call the day before when it started snowing and that afternoon about 3:45 and there was no answer but did not leave a message because he was busy and had to shovel again. President Short commented we all shoveled our own property and were able to attend the meeting. Councilmen Xavier commented we had to approve the bills for payment because we didn't know if we would get another snow storm and not be able to meet and thus be delinquent on our bills.

**ADJOURNMENT**

On a motion made by M. Xavier seconded by R. Baker and approved unanimously, the regular meeting of the Borough Council was adjourned at 9:10 P.M.

**ATTEST**

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MARIE V. KAUT  
Borough Secretary

Borough of Aldan  
County of Delaware  
Special Meeting for the Purchase of the  
Aldan Swim Club  
March 22, 2010

The Borough Council met in a special session at 7:00 P M at the William Reinl Recreation Center on the above date with President Short presiding.

**ROLL CALL**

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

Council Members absent: None

President Short explained how the meeting will progress. The Solicitor will read the Resolution, we will make a motion if Council wishes to pass the Resolution we will then seconded and before the vote is taken we will open the floor up for questions and comments.

Mr. Seflin read Resolution 2010 - 02, Resolution of the Borough of Aldan to approve the purchase of the Aldan Swim Club and to appoint Council President, Harry Short, and Vice President, Michael Xavier, as authorized representatives.

Councilmen Cosgrove made a motion to accept the Resolution 2010 -02, seconded by Councilmen Xavier.

Before the vote is taken we will open the floor up for questions and comments.

Frank Lane 328 E Providence Road; was this meeting scheduled to be held in the Caucus room in the Municipal Building last week? President Short responded yes there was a meeting to be held last week in the Caucus room. Mr. Lane asked how were you planning to accommodate this many people. President Short responded that is why we moved the meeting to the Rec Building and did not know there would be that much interest in the meeting. Mr. Lane asked, you didn't think the citizens of Aldan would have that much interest. Mr. Lane asked if that was the reason the meeting was postponed.

President Short answered no the meeting was postponed because the deal with the pool and their lender fell through at the time. Mr. Lane, so this meeting could have been carried on if the deal didn't fall through on Thursday night. President Short answered yes.

Ed Lawless, 43 Sycamore Avenue; you are spending \$290,000.00 there is nothing in there about a lease back or anything. From reading on the internet what is the lease worth and what is the return on the investment. Councilmen Xavier explained the lease will be done on 60 month intervals at a monthly fee of \$2,764.00. Mr. Lawless asked at what % would that be, less than 10%. Councilmen Xavier said yes. The sixty months at \$2,764 would be \$33,168 yearly and the 60 month lease would be \$165,840.00. Right now we are looking at financing, until we have the deal in place, the interest rates do vary and we are looking at some different funding sources. We do not have a concrete interest rate to back into the number to tell you exactly what the profit would be to the Borough. We are getting .33% in our investment with what we have in our Plgit funds, which is taxpayer's money and it would easily be an increase of over 1.4%. Mr. Lawless, so you are looking at borrowing money to buy the place. Councilmen Xavier, we are looking at different funding sources. Mr. Lawless, on the internet it sounded like you were buying it from the General Fund so you want to take out a mortgage on the property. Councilmen, yes we are looking at that. Mr. Lawless, how much would the mortgage be. Councilmen Xavier responded, \$290,000 at this time. Mr. Lawless any idea of what the mortgage would cost the interest rate. Councilmen Xavier explained he has interest rates from one funding source we are looking at as of today, Delaware Valley Regional Finance Authority, if we went at a 20 year fixed rate as of today it would be 3.617, a variable rate would be .940, but until we have the agreement and the resolution passed we will not enter into actual negotiations on interest rates with different funding sources. Mr. Lawless, do the lease payments pay for the mortgage. The Councilmen just backing into the number right now it is a profit monthly of approximately \$1,715.00 profit over monthly what we are paying out as to what we are taking in. Mr. Lawless, in the State of Pennsylvania are there Open Space Laws don't they kick in some money sometimes. President Short explained, it could never be changed back and as a pool it wouldn't qualify for open space. We did look into that and the money is available but it would have to be just a park and never change. President Short said if we leave our options open and it comes down to totally taking over the property that would leave our option open to sell it if it became a burden on the Borough we could always sell it to a developer or whatever. If we were to use the Open Space money we would not have that option we would be stuck with the property as a park. Mr. Lawless asked could we realize more money by splitting it up into lots, have we looked into that idea. Mr. Seflin said we can't split it up into lots because at lease a third of the property is in a flood zone and you can't build in a flood zone. The Resolution said a lot of it is flood zone but much of the 7.8 acres is green space but it does have the pool and the parking lot so it does not qualify as open space land. Mr. Lawless does understand you trying to buy it, I understand everything that was discussed here but would be more in favor of having a park.

Mr. Lawless said, he did not know all the ins and outs of this, just getting involved with this and I am sure it was discussed at other meetings but just wanted to ask some questions.

Ann Marie Dowd 119 S Clifton Avenue; spoke with Representative Micozzie and he told Mrs. Dowd that we requested grant money to buy this property but he said most likely that Pennsylvania could not give any kind of grant money because of the budget. When the Representative was approached he was approached as a Community Center and Pool. Mrs. Dowd asked where that idea came from. Mrs. Dowd is not into politics but does vote and can't understand why this was not put on a Referendum in the election for Aldan Citizens to vote on whether they would want something like this especially during times when people have lost their jobs and have trouble paying their taxes and this will be just more taxes on us. President Short said he does not believe so. Mrs. Dowd asked what about the insurance if you continue with the swim club. President Short responded the Swim Club will run it themselves. Mrs. Dowd said, if they ran it so well why are we buying it. I understand they are in they owe back taxes on it and how did the taxes get so high. If I didn't pay my taxes every year the Borough would be putting a lien on my property and taking my property away because I couldn't pay. Why don't you let it go on Sheriff's sale and let a developer come in and build homes on it, "Aldan the Community of Homes". President Short explained there are situations like that in different towns such as Sharon Hill and Colwyn where a developer is going to come in, buying the property; he is going to jam as many row homes in there as possible. The pool area is one of the most congested parts of town; the traffic over there would be horrendous trying to get in and out of that area; not to mention the strain on the Borough. Mrs. Dowd responded if they are building homes, even row homes, you would be getting taxes from all the people buying those homes. President Short said, there is such a thing as quality of life, and we would like to keep the space open, that was the intent when we were entering into this agreement that if the pool were to fail that we would have control over how the property was used. Mrs. Dowd asked, are the same people going to manage the pool and how are they going to pay the taxes now. President Short explained the taxes are paid; the Sheriff's sale was for mortgage foreclosure. Mrs. Dowd responded Aldan is buying a property where they have proved they can't afford the mortgage, and you are backing somebody that is not profitable. President Short explained we are not backing them we are buying 8 acres of ground and we are going to lease them the property. The payment they will be paying to us will be less than the mortgage they are paying now. Mr. Seflin explained we will have a lease in place that removes liability from the Municipality and places it upon the people leasing the property. Before there is a lease there is going to be insurance coverage on the property and the Borough will be listed as an additional insured upon that property, which will insulate the Borough from liability. If the property comes back to the borough it would be added on to the inventory of the Borough's property under our current insurance. Mrs. Dowd asked again about the Referendum, putting it to a vote to the people what they want. President Short explained this has been talked about at open Council meetings for the past year. It has been in the newspaper several times.

Peter Crane 54 South Linden Avenue; thinks it is ridiculous that Aldan Borough, located in the William Penn School District, is attempting to be a landlord for a pool that is making no money and is a complete liability if someone get injured. Mr. Seflin asked, do you think no Municipality should have a playground because a child could injure themselves on a playground. Mr. Seflin explained we have something in Pennsylvania called the Political Sub-Division Tork Claims Act, which limits the liability of Municipalities. We are fully insured to protect us. In this situation, should Borough Council inact this Resolution and the sale go through, should we enter into a lease with the Aldan Swim Club Inc., part of that lease is, the lease does not go into effect, until we are placed as an additional insured, which insulates the Borough, on the insurance policy for the folks we are leasing the property to. There may be many concerns from the citizens in Aldan but liability is not one of them. Mr. Crane asked if the property was in a primarily a floodplain area. President Short said there is an area that is a floodplain.

Mr. Crane asked if anyone has looked into the cost to demolish the pool if this does not work out. President Short said the Borough would not run the pool we will be leasing the property and they will run it as a pool. Mr. Crane asked what will be the amount of the lease. Councilmen Xavier answered \$2,764.00 per month with a 60 month lease.

Bernie Shimkus 316 Birchwood Road; question concerns if the Borough does not purchase the pool. As he understands the pool is up for Sheriff's sale, so anyone who meets the requirements can purchase the property. This includes Upper Darby School District who could come in buy the property, we would lose the taxes, and we would have a bus depot in a residential neighborhood. At a Sheriff's Sale there is no control of what could be built on the property or who could own it.

Mary Jo Corrigan 19 Ridley Avenue; the pool is an asset to our Community. If you want to attract young people with young families you need something. As a resident Mrs. Corrigan is very happy Aldan stepped in to help the pool.

Sara Robertson 29 East Wayne Avenue; what is the business plan and what are the steps they will take to increase membership and make them profitable. President Short explained when the pool came to us and asked us to purchase the pool because they were having trouble. We felt the price we were paying for 8 acres of open space was reasonable. We agreed to do but keeping in mind it they were to go out of business that we would have control of the property and to what happens in that area. We are not here to bail the pool out. As part of the price we agreed upon was to lease it back to them and let them try and make a go of it. Ms. Robertson other concern if the Borough purchases the pool does this affect the Schools because of the taxes. President Short said it is a possibility that it could become exempt. Ms. Robertson asked how much are we talking about in taxes. Councilmen Xavier said the Borough Taxes are about \$7,500.00. Ms. Robertson asked is there anything the Borough can do to help the pool stay more solvent. If the Borough owns the land people feel more stability and feel the pool may not be closing and can also help and promote membership.

Richard Cullen 126 South Clifton Avenue; by purchasing the property and leasing it back to the pool you are acting as a landlord. As a landlord wouldn't you want to know the financials of the renter and what his plans are? President Short answered if they go under we get control and it is the last piece of open space in the Borough. Mr. Cullen asked if any one looked into what the cost would be to dismantle the pool and parking lot to make it into a park and what is the liability because a third of the property is floodplain and can we touch it. President Short explained if that were to happen we would then start to look for grant money or green space money there are various options. Green space money would allow you to dismantle the pool and the parking lot. If grant money was available we could do a community center or Borough building on our property would also be an option. There are a lot of things we could do if and when the time comes.

Joe Mallon 129 West Providence Road; our family belongs to the pool we have 4 kids and go the pool every day in the summer. This is a great thing I am also Vice-President of the Boys Club and there are a lot of new families in town and a lot of opportunity for the pool to get new members. Mr. Mallon thinks what the Borough is doing is fantastic and I thank you for it and hopes it works out.

Ed Lawless asked, someone mentioned about holding the lease on the property if the parking lot is in disrepair whose responsibility is this. President Short answered it would be the pools responsibility. Mr. Lawless also asked about the taxes. President Short explained it there are any taxes on the property, be it school or county the pool is responsible if the Borough takes it over we are exempt.

Sal Oropollo 125 East Wayne Avenue; our family belongs to the pool and Mr. Oropollo is also the manager of the pool. Mr. Oropollo has never heard a negative comment about the pool. If anyone in the community wants to see how we operate and how things are done you can come anytime. All the lifeguards are certified in CPR but accidents do happen.

Mary Jo Corrigan commented the kids have something to do during the day and night. If you give them nothing to do and it will affect every person's quality of life in our town.

Frank Lane asked if there was an appraisal done on the property and is it public record and could it be posted on the web page. President Short responded Yes. Mr. Lane asked was there 1 appraisal or 2. President Short answered 1.

John McBlain 104 West Wayne Avenue; Mr. McBlain is proud to say he was involved when he was a member of Borough Council and also a member of the swim club to try to find a solution to this problem. Mr. McBlain would recommend and urge Council to vote yes on the motion. As indicated this preserves 8 acres of open space and puts the borough in control of the property.



It eliminates the possibility of an out of town developer buying the property at Sheriff's Sale and this would happen next month if you don't take any action. This is going to prevent the Aldan Swim Club to end up like Darby Swim Club; Colwyn Swim Club and Sharon Hill Swim Club just in our local area. If you went to the residents and Borough Council in those towns guarantee that every one of those towns if you had the chance to go back and purchase the pool they would have done what we are trying to do. We can look at the mistakes that other places made and not repeat those mistakes and do the forward thinking thing and purchase the pool. This is a good investment the sale price is well below the market value that this would have gotten if a speculator were to get it and try to sell it to a developer. There is a floodplain portion of the property that inhibits the complete development of the property. This will be a situation we will not be out tax payer's dollars, whatever money you get, grant money, use our own savings, or finance the property, what you would be garnering in rents will exceed what that cost will be. As a member of the swim club we do recognize the swim club won't make it forever, when that does happen Aldan will be there and in control of the property and able to decide whether you want to keep it as open space, if you can afford to keep it at that point in time and make the improvements to the ground to make it a park or woods or find the best development for it but the Borough would be in control of the development rather than some out of town speculator.

Mr. McBlain hopes for the Swim Club this creates conditions for the property to stabilize and grow their membership. Mr. McBlain said the Board of Directors for the swim club deserves a lot of credit for taking it to this position. The Board is putting their trust in the Municipality. They are willing to sell their property in order to keep it going. In terms of the taxes, and this is a legitimate concern, what would the school district lose. The taxes are paid up to date except for 2010, but the taxes for the school are about \$15,000.00 a year. Mr. McBlain doesn't have that much sympathy for the school board, faced with a situation a few years ago in Darby; there was a property the Darby Borough wanted to use for Community use and the School Board agreed to forgive 25 or 50 thousand dollars in past due taxes and also for Yeadon for a request for the Yeadon Swim Club. The School Board has recognized the value of these kinds of thing for other town and hope they would do the same for Aldan. Mr. McBlain also asked this is a Net Lease, where everything is paid by the Swim Club, utilities, taxes, liability insurance, capital improvements, and maintenance all of the responsibility is on the Swim Club. Mr. Sefflin responded yes, it is a Landlord out of Possession.

Mike Ceci 133 North Clifton Avenue, wanted to say he is very thankful for the direction we are going. As someone who grew up in Aldan, my Grandfather was a Charter Member of the pool, my Mother and I also grew up at the pool and know how important the pool is for the vitality of this town. Given what we will be gaining in income based on the lease revenues vs. what the Borough was getting in taxes the Borough will be getting more.

It is very, very important for the Elected Officials, people who are accountable to residents, to have control over this decision rather than some faceless developer who gets it at a Sheriff's sale. Having said that, Mr. Ceci feels Council has been less than forthcoming in the deliberations about the pool. When questions have been raised, it has always been told no details can be given because their in negotiations. Why now just before the vote are Borough citizens an opportunity to hash this out with you and get more details and a lot of the misinformation that would come from that kind of secrecy or lack of transparency. President Short responded the lack of transparency I don't believe that's true. You have gotten every bit of information that we had to give you at the time. We had not come up with an agreement, such as the price of the pool, the terms of the sales agreement, and even the lease agreement. We did not have anything until a week ago today. Last Monday is when we came to an agreement on the price, and when the price was revealed. You say we have not spoke of this, in minutes from the past year, May, August, October, November, December, and January of 2010 it has been discussed at Council and was also appeared in the newspaper articles in the Daily Times in March, 2010; in September, 2009; and August, 2009. You have received every bit of information that we could give you at the time. What do you think was held back. Mr. Ceci commented the minutes reported about the pool that we are still in negotiations there was also the meeting in the summer where you spelled out what the general plan would be. Mr. Ceci does not want to imply that there was absolutely nothing stated, obviously you gave what you felt what you were able to give. Mr. Ceci question is why you haven't sought more public opinion on what you were able to give so fewer nerves would be frayed at this time. President Short responded, at Council meeting everyone is free to ask questions. At the end of the meeting we even have a section if something was not discussed it could be brought up. We are a very open meeting we don't require people to notify us days in advance of what they want to speak about. We field every question during Council's reports and are able to ask questions. Tell us what you want to know and we will tell you if the answer is out there. Have we ever denied you an answer that we could give you? Mr. Ceci answered not that I know of but I don't know what you are able to give me and what you are not. President Short said to ask questions. Mr. Ceci explained there are clearly frayed nerves tonight, but is clearly of the camp that supports the direction you are heading. Some of the anxiety and frustration from the resident's voices here tonight could have been mitigated if we had this conversation earlier in the process.

Paul Kruger 34 South Glenwood Avenue; asked if Council was going to vote on this tonight. President Short responded yes.

Ed Lawless asked because we are leasing the property do you have to keep a separate account vs. the General Fund. Councilmen Xavier explained the income lease payment and an outgoing payment, if we decide to go that way, will be listed as a line item.

Peter Crane asked have we thought about opening the pool up to the residents of Aldan since as taxpayers we are contributing to it. President Short responded you are not contributing to the pool. Mr. Crane asked you think this is a win for the Borough in terms of money you think this is going to be a profit maker for the Borough. Councilmen Xavier responded, yes. Mr. Crane said he doubts it very much and at some point it will not going to be a profit maker for the Borough and we as taxpayers will be supporting it we should be offered a special rate to be able to go to the pool.

Dan Procopio 408 Aldan Avenue; will there be a second Resolution dealing with the lease agreement. Mr. Seflin answered; we don't own the property yet. Mr. Procopio asked will that be a vote that will occur at a subsequent public meeting after settlement. Mr. Seflin explained Borough Council can not vote on a lease for property the Borough doesn't own. This is part of the negotiations and the attorney for the pool and Mr. Seflin have had many conversations on this matter and both agree that any lease that pre dates the actual settlement is null and void. We hope at settlement we can sign the lease but that will have to be passed by Council. President Short commented that tonight we have informed you of all the things we have been negotiating in the lease, the money, who is responsible for what and so on. Mr. Seflin explained the lease is written. Mr. Procopio asked this was not in the Solicitor's recitation of what you are voting on tonight. Mr. Seflin said, yes that is correct. Dan asked about taxes and fees. As a business they do not pay trash collection fees because they have their own collection but they do pay sewer fees and will they continue to pay sewer rental fees to the borough. President Short responded, yes because we pass that on that is not a tax we collect for the Borough but pass it on to the Sewer Authority. Dan said the borough does retain some of that fee revenue for local sewer maintenance it is not 100% passed on. President Short said that is correct the borough does keep a very small portion. Mr. Procopio heard that once the borough owned the property it would become tax exempt but you answered much differently. Would the pool still be responsible for the County and School Taxes? President Short responded it's a possibility.

Dan asked what the next step in the operation that will occur. Mr. Seflin answered once it is owned by the Borough it becomes tax exempt. Dan commented another difficulty the pool had was not only the mortgage but the tax payments. Mr. Crane was not incorrect about the revenue lost by the school district has to be made up. President Short asked what you think the \$15,000.00 over the amount of properties in the School District would equal out to be. Mr. Seflin responded one could argue the pool being in existence maintains or increases property values in Aldan and surrounding areas. If the pool disappeared tomorrow and either became a hole in the ground or a park or was bought by a developer for a bus depot or something you are not taking into account property values dropping which could dramatically affect the school district.

There are other pools in the area where there is property being developed so the School District is going to get revenue from those houses being built in those former recreational facilities or green spaces that are now being jammed full of townhouses. Mr. Procopio asked did he understand the way the Resolution was read there would be 2 members of Borough Council appointed to the Pool Board and that would be Mr. Short and Mr. Xavier.

Mr. Seflin responded you did not hear that right. This is required by our title company because we are buying title insurance and in the title report has insisted that Borough Council pass a Resolution appointing someone authorized to sign the documents at settlement. Dan asked if settlement would be occurring next week to satisfy the Mortgage Company and if that is the case the Borough must produce the revenue at that time to pay for the property. Would the source of this revenue come from the reserve funds of the Borough. Mr. Seflin explained we have not set settlement yet, Council has to enact this Resolution first. Dan commented that 1, 2 or 3 audience members asked for details at Council Meetings and the answer was we are in negotiations. President Short explained there wasn't anything to give; it wasn't that we were hiding something from you. Mr. Seflin explained it is only this month, March of 2010, that Mr. Matlawski and myself concluded the negotiations. You don't conduct negotiations of a commercial real estate deal in public. The few details that there are like the price and when settlement is going to be were not immediately disclosed because we only recently concluded that, it has been less than 10 days. Mr. Procopio responded to make an offer Council had to vote to give the President and Vice President to spend that amount of money. At some point in Executive session you had to have voted on that as an agreed price. Mr. Seflin explained Council can not discuss what went on at an Executive session.

Diane Boyle 600 West Magnolia Avenue; where can someone go to find information that is important for residents to know about. President Short explained the minutes from the Council meetings are published on the web site a few days after the meeting takes place but these are the minutes from the month previous because the minutes have to be reviewed and approved. Bette Alburger, writer for the Daily Times, does write about things of importance and if you can not attend a Council Meeting and you hear something that concerns you call one of the Council members. Mrs. Boyle came to the meeting against this decision but now understands more of what is going on and Aldan has control and not someone else have control our future and as long as it is not going to raise our taxes, I am all for it.

President Short will close the public comments at this time and we will take a short recess.

President Short reconvened the meeting. There is a motion by Councilmen Cosgrove to adopt Resolution 2010-02 for the purchase of the property at 310 North Elm Avenue seconded by Councilmen Xavier and unanimously approved.

**ADJOURNMENT**

Councilmen Xavier made a motion to adjourn seconded by Councilwomen Owen and unanimously approved.

ATTEST

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Marie V. Kaut  
Borough Secretary