

**Borough of Modena**  
**Monthly Council Meeting Minutes**  
**September 16, 2024**

**1. Call to Order**

At 7:02 pm on Monday September 16, 2024, at Borough Hall, 5 Woodland Ave President Daywalt called to order the Council meeting, of the Borough of Modena Council.

**2. Salute to the Flag**

**3. Roll Call**

Secretary Cloud conducted roll call. In attendance were President Jennifer Daywalt, VP Beau Tilghman, Council members, Jenny Hines, Ruth Ayers, Blaise Frost, Solicitor Fuller, treasurer Danielle Pearson. Codes Inspector Steve Wanner and Felicia Handley on zoom. Council member Elizabeth Sinton and Mayor Harvey were absent.

**4. Approval of this evening's Agenda**

Council member Hines made a motion to accept this evening's agenda, VP Tilghman second, all in favor motion passed.

**5. Approval of Minutes**

Monthly meeting minutes from August 19, 2024, reviewed. Council member Ayers made a motion to accept the minutes, Council member Hines second, all in favor motion passed.

**6. Public Comment on Agenda Items**

None

**7. Written Reports**

**7.1 Treasurer's Report**

- Council reviewed the report. Treasurer will email Council the 2025 budget column.
- Treasurer and President spoke about which bills will be paid this month, others to be paid at the October 7<sup>th</sup> meeting; AJ/Gawthrop/LTL/SCV/ Auditor, once additional funds are deposited into general.
- 2025 Budget will start in September. If any items are needed, present them.
- \$626.00 is in the Park & Rec account at Presence Bank for events.

**7.2 Payment of Bills**

- Council member Hines made a motion to accept the report and to pay the specific bills stated, Council member Frost second, all in favor motion passed.

**7.3 Police and Fire Department Reports**

- Report reviewed. Council member Hines made a motion to accept, Council member Frost second, all in favor motion passed.

**7.4 Sewer Flow Report**

- Council member Hines made motion to accept, VP Tilghman second, all in favor motion passed.

### **7.5 Code Enforcement Officer Report**

- VP Tilghman made motion to accept, Council member Frost second, all in favor motion passed.

## **8. Council and Committee Reports**

### **8.1 Council President Report**

- Council President attended a PSAB Planning Committee meeting, where she will head all Chester County boroughs to start meeting again then she will be reporting on a state level. Letter from PSAB will be mailed out to all Borough's to see if they want to be involved, to give a say on what is needed on this level for PSAB to review.
- Fall Conference will be in Lancaster this October 11 to 13, 2024. President' fee is free. She will drive back and forth instead of staying over.

### **8.2 Secretary Report**

- Nothing to report.

### **8.3 Mayor Report**

- Absent.

### **8.4 Park & Rec Committee Report**

- October 19 Haunt: on Oct 15 & 16 plan to install the walls in garage & witches' tent. COI will be presented for the horse and rider. Council member Handley will write up rules for those who will be attending, to be signed by an adult. A few more items need to be ordered through amazon; she will present them at next meeting. Donations letters were mailed out, no responses back. After the event that day, the outdoors will be cleaned up. Sunday clean-up will be in the garage so that all is back to normal for Monday. VP Tilghman asked the question where will all these latest items be stored? Totes with lids needed, may place items up on the rafters on plywood, items need to be up off the floor to keep dry.
- Tree lighting and Menorah event will be Sunday December 1, 2024, around sunset.
- 2025 Duck Derby will be on Saturday May 31, 2025.
- PSAB Conference will be on June 1, 2025. Location TBD

### **8.5 Historical Committee Report**

- CCHPN will have a fall meeting at 8:00 am on October 26 at the Brandywine River Museum that Mr. Graves will attend, possibly Council President too.

### **8.6 Public Works Report**

- VP Tilghman reported the extra recycling bins are chained together, behind the garage.
- Kabota is in the shop again; the gear shift is under warranty.
- There are streetlights that are staying on all day. He will get the pole numbers so the secretary can tell Greg Vietri to fix them.
- PW employee Ed Chilcote may be going into the military; needs to pass tests first.
- Meredith Court electric meters are still alive – PECO was informed.
- There is also scrap metals VP will remove/sell at scrap yard.

### **8.7 Planning, Zoning and Ordinance Report**

- No report.

### **8.8 Environmental & Conservation Report**

- No report, just maintaining what has been planted.

### **8.9 Finance Committee Report**

- Meeting needs to be scheduled to start on the 2025 budget.

## **9. Unfinished/Old Business**

### **Grant Project Updates**

#### **CRP Grant – Streets**

- Road work all completed. \$150K Citadel loan is in the process of paying off and close. Also, funds from Highway Aid will be used.

#### **Meredith Court Mitigation Project**

- On Monday September 16<sup>th</sup> at 10:00 am at Borough Hall three (3) companies were attending the Pre-Submittal RPF meeting. President Daywalt and VP Tilghman were present answering their questions.

#### **Progress Review at 3 Union St. Parcel #10-4- 41.3 and at 1 Meredith Court parcel 10-4-41.3**

- Owner Jeff Morrison spoke on how he and his partner are starting to clean up and mow the land on Meredith Ct. side. He is getting an updated site plan for the shed located along Meredith Ct. Road. Jeff spoke with Chad (tree removal Co.) to remove two (2) unsightly items on Meredith Ct. near the fence. Jeff spoke with Codes inspector Steve Wanner on Wednesday to report that the vehicles are being removed slowly and there are many things that need to be changed. Jeff will present a cease and desisted the tow company gentleman from dropping off more vehicles and to remove the five (5) or six (6) vehicles visible right long Union St. and the creek side. Jeff and Steve had a brief conversation about the potential construction of a two (2) story building and what the requirements are. President Daywalt stated that she saw a white SUV parked in the center of his lot when she was with a site tour group for the Meredith St. project. Jeff was very surprised, he stated that the tow co. gentleman has 'been out of commission/sick' and unable to do business. Jeff said that the SUV will be gone the next day, and he will continue trying to contact, via phone, or text the tow company gentleman. This tow company does not pay Jeff anything for use of his land. Jeff stated that the containers belong to the landscapers. They have supplies/equipment in those containers that they use often. Steve mentioned to council that the 'containers' on-site fall under the zoning IC District is permitted, yet the flood plain Ordinance states 'containers' need nailed/supported down so they do not float away in the event of flooding. Jeff stated when he bought the property there were three (3) containers there that he would like to keep. There may be

two (2) more; these have not been addressed in previous conversations. The body shop on Meredith Ct has a stainless-steel dumpster that he uses and dumps regularly. Steve read from the Flood Plain Ordinance: Recreation vehicles are prohibited in IC District. They can only be there for 180 days, fully licensed, ready for highway use. All vehicles in this area must be able to drive away in the event of flooding. All needs to be elevated. Jeff stated that all these vehicles have been driven in and out at times; stored basically. Council President stated that everything/vehicles, containers, RVs are 100% in the floodway; flooding can happen at any time. President stated to Jeff that communication with others, on his property, is lacking as you are a business owner. Jeff needs to be more hands-on with what is going on there to comply with the Ordinances. Jeff and his partner are ultimately responsible for what goes on at his property. VP Tilghman asked Jeff how long this will take for you and the others to remove the items addressed? Jeff replied, 2 weeks. Council President stated that you have already had a month to notify all those on your property; still progress is moving too slow. President is happy the Jeff and Steve are talking about plans there. Council member Ayers stated that in good faith, council has given you time for improving these parcels. She asked Jeff if he was taking this seriously? She would like his partner to attend the meeting too. Jeff consistently says, 'preexisting use,' yet Council informs that their current use is non-compliant according to the flood zone ordinance. President stated it would be a good idea for Jeff's partner to attend these meetings and be more involved with what council is saying in order for them to hear his thoughts of the land usage. She expressed to Jeff how many notices in the past have been sent to him, this is not the latest news, years of advising you be non-compliant. Jeff said that 3-4 years ago, he went to court and was advised by the court to maintain the property, to open gates for charitable arrangements. President said, since then there has been a major flood, which is why the flood plain ordinance was put into place where all have to abide by it. President said at the October 7 Council meeting, all of council will decide if Jeff Morrisons progress at these locations is still in violation, Steve Wanner; Codes inspector will then file a civil complaint with the courts to have a Civil Action Hearing or not. Council agrees at this time to finalize the decision on Monday October 7, 2024.

**98 N. Brandywine Conditional Use Appeal**

- Solicitor Fuller will go forward with the process on behalf of the Borough.

## **10. New Business**

- Finance Committee will discuss whether the website should include a way of paying bills on the Boroughs website. The cost would be \$1,100 per year and that would include the \$700 credit for website updates, managed hosting, 25% off retail labor rate and the ADA widget for the website. The payment gateway has a one-time installation fee of \$200 which will come out of the updated plan and now that we are all finished with the plug ins there are no additional fees as long as the required amount is processed each year. Will be considered in the 2025 budget.
- **Resolution #5-2024 Citadel CU Loan** – tabled at last meeting.
- **Approval of excess equipment:** Council member Hines made motion to sell the 2005 Chevy 2500 truck & plow assembly on Municibid. Council member Frost second, all in favor motion passed.
- VP Tilghman is requiring council to approve the purchase of a good, durable 20' commercial chainsaw. He presented quotes. Will come back to Council with 24' quotes.

## **11. General Public Comments – limit of 3 minutes per person.**

- Ms. Kim Sherman asked the question whether late sewer & Refuse invoices go out to a third party for collections. President stated that borough uses Portnoff. They send payments when they receive it. Portnoff has not been notified in a few years of delinquent accounts due to COVID, multi treasurers, time. Ms. Sherman has other questions that will be addressed at the Finance meeting.
- Buddy Rhoades chatted about EFT and Modena past historical events.

## **Meeting Adjourned**

Regular Council meeting ended at 8:42pm. Council member Ayers made a motion to end the meeting, Council member Hines second, all in favor, motion passed.

## **Next Council Meeting:**

Monday October 7, 2024, at 7:00 pm at Borough Hall

**President:**

**Secretary:**

**Date:**