

**AVONDALE BOROUGH  
COUNCIL MEETING  
May 20, 2008**

**Members Present:** Fred Bryan, Bob Cleveland, Steve Frye, Patrick Harrison

Absent: Glenn Allen, Pat Longen. (one vacancy due to the resignation of Russ Kilmer)

**Guests Present:** Mayor Howell, Howard Thompson, Glenn Diehl, Jamie MacCombie, Michelle Steele, Bill Reilly, Tom Lowry, Bill Shore, Al Sauer, Dan Wright, Keith Wilson

After the Pledge of Allegiance, President Bryan called the meeting to order at 6:00 p.m.

**EAST PENN RAILROAD**

Al Sauer introduced himself as one of the owners of the East Penn Railroad and he gave the following statements.

We are planning on adding an additional commodity at the transload terminal here in Avondale. For many years we have had carried grain, lumber and other things. Now with the market demand for bio fuels we are planning on getting into the ethanol transloading business. Ethanol is an alcohol that is distilled from corn and it is like moonshine. The ethanol is denatured with about 5% gasoline for no other purpose than not be taxed by the government as liquor. Ethanol is a fuel additive and is used to both extend gasoline and to provide a cleaner burn into a pollution control mechanism and replaces chemicals that were not environmental friendly.

East Penn Railroad is planning to unload this ethanol from railroad tank cars directly into trucks through a trailer mounted pump system. There won't be any onsite storage of the product in any kind of storage tanks or buildings other than within the cars themselves. We have made some improvements to the existing facilities in order to safely handle the ethanol and to make sure we protect ourselves and the environment. Mr. Sauer handed out information on the improvements.

Mr. Sauer introduced Keith Wilson and Dan Wright from KAG who is the largest tank company in the United States. KAG is going to be East Penn's partners to safely transload the ethanol to the final destinations. The ethanol is going to go to the blending racks to places like Malvern, Philadelphia and Aston where there are taps in the pipeline that come from places like Houston and other refineries. The ethanol is blended with the gasoline at that location with about a 10% blend so that it is 90% gasoline and 10% ethanol. The final product then goes into a truck and gets delivered to the gas stations. This is basically the nature of this business.

Following is a list of some of the improvements:

1. Upgraded the 200 amp 12/240 volt phase service to a 400 amp 120/240 volt 3 phase service.
2. Installed service equipment, transformer, and panel for conversion to 480 volt 3 phase service.
3. Installed a 12' x 56' office trailer with 8 anchors and installed skirting around base.
4. Paved existing stone area on south side of tracks for distance of 480' and paved between tracks. Surround paved area with asphalt curb for liquid containment within asphalt area.
5. 8 foot security fence installed around perimeter of ethanol transload area.
6. Lighting installed in ethanol transload area.

Dan Wright asked if there were any questions.

Patrick Harrison asked what the hours of operation are. Mr. Wright said they will be working 12 hour shifts during the day. Mr. Harrison asked if there will be a manned security system. Mr. Wright said no, and that is why a security fence and gate were installed. Mr. Harrison asked how many trucks will be coming from the site per day or per week. Mr. Wright said a tank car handles about three and a half truck loads and we have capacity to do about 8 cars a day, which would be about 28 trucks during a 12 hour period and works out to about 2.3 trucks per hour.

Jamie MacCombie asked what the difference between the railroads assertions of the FAA as far as requirements to get permits, follow land development applications, follow the stormwater management regulations, and follow the federal mandated MS4 regulations with regard to the Borough. Is there a reason nothing has been applied for? Mr. Sauer said he can't comment on FAA laws, but as it relates to railroads, railroads are constantly in a state of construction and movement and things of that nature. We are always doing bridge renewals, ties, and grate crossings at facilities such as this. They are very clear on federal regulations preempted from seeking local permits for these types of activities. Mr. MacCombie said he is not disputing fixing the rails and running the operation but is sounds like you installed an office trailer; you paved 400-500 feet, so where does the stormwater go? Mr. Wright said it drains unto the railroads property. Mr. MacCombie said the federal supremacy requires all federally exempt facilities to submit plans for review and comment. They do not have to secure permits but are required to submit plans and information with regard to the operation and have to comply with other federal statues regardless of local regulations.

Mr. Sauer said federal regulations also apply to yard facilities and to team track facilities and this is what this facility is, a team track facility. Mr. Sauer said they want to run their business in the safest way possible and make sure they are in compliance. The business falls under the federal railroad administration and they are the ones that actually set the procedures on how the operation is to be handled. President Bryan asked Mr. Sauer to work with Tom Lowry and Jamie MacCombie and qualify under regulations for the town. Mr. Sauer said he will qualify with whatever he needs to qualify for.

Tom Lowry asked if they use independent truck drivers or are they employees. Mr. Wright said we are about 85% company employees and 15% owner operator in this area. Mr. Lowry said there is no water or sewer to that site so what is being done about sanitation with an office trailer and employees. Mr. Sauer said we are planning to have a portable facility. Bill Shore asked if they have an emergency operations plan for the trucking company and for the facility itself. Mr. Sauer said they are working on the plan.

### **EEMA REPORT**

Bill Reilly gave the following report:

### **OPERATIONS REPORT**

Wastewater Treatment Plant Flows:

Total Monthly Flow	8,229,000 gallons
Daily Flows Min.	203,000 gallons
Daily Flows Max.	342,000 gallons
Daily Flows Avg.	274,000 gallons

### **NEW GARDEN WEEKLY FLOWS (gpd)**

<b>WEEK</b>	<b>3/31 – 4/4</b>	<b>4/4 – 4/11</b>	<b>4/11 – 4/18</b>	<b>4/18 – 4/25</b>	<b>4/25-5/2</b>
<b>ROUTE 41</b>	39,998	41,580	40,425	43,857	41,480
<b>RAIL ROAD</b>	59,393	65,143	58,236	55,746	54,170

- Removed 24,000 gallons of sludge from Wastewater Treatment Plant.

**MAINTENANCE REPORT**

- There was (1) one PA One Calls.
  - 3 Cook Court
- There were (0) Water Action Request forms.

**WATER QUALITY REPORT:****Water System Flows**

Total Well #1	5,194,000 gallons		
Total Well #2	1,360,900 gallons		
Total Monthly Flow	6,554,900 gallons		
Daily Flows Min. Well #1	132,000 gallons	Min. Well #2	34,900 gallons
Avg. Well #1	179,103 gallons	Avg. Well #2	46,928 gallons
Max. Well #1	228,900 gallons	Max. Well #2	60,200 gallons

**OPERATIONS REPORT:**

- Water leak detected on the property of the strip mall on Pennsylvania Avenue and Church Street. Line to shut off valve was leaking – Not the major leak.  
Major leak was detected at the end of April at line from shut off valve to building.
- Well meters calibrated on 4/22/08.

**MONTHLY GRIEVANCES:**

There were no grievances for the month.

**PERMIT VIOLATIONS:**

No permit violations for the month.

**BOROUGH SOLICITORS REPORT**

Glenn Diehl gave the following report:

**WHITE CLAY CREEK – GROWING GREENER GRANT**

The application was submitted by the due date.

**MILLER ENVIRONMENTAL LITIGATION**

The appeal period has past and the case has been marked settled.

**BOROUGH ENGINEER'S REPORT**

Jamie MacCombie gave the following report:

**I & I STUDY**

The plans are done and a general permit is needed to cross the creek because the pipe will need to be replaced or upgraded. The general permit takes time to acquire so we are applying for an emergency permit to see if DEP will give it to us because we are hoping to get started within a month. Waiting cost proposals from Wilkinson.

**INFLUENT PUMPS**

The influent pumps need to be perfected and are proposing to put in a commonator to prevent the pump from clogging in the future. This has been discussed with Mr. Wilkinson.

**FLOOD PLAIN ORDINANCE UPDATE**

Information was given to Mr. Diehl and he is in the process of updating the ordinance.

**FLASHING LIGHTS – FIRE COMPANY**

Received the plan for the flashing lights and will sign it and return it to PennDOT. In conjunction with the dollar amounts for improvements throughout the Borough that is promised through the Willkinson Project, it is cheaper to have it done privately because you don't have to go out for public bid. Council agreed to have Mr. MacCombie pursue this matter with Mr. Wilkinson.

**BOROUGH BUILDING REPLACEMENT**

We looked at two options: The replacement of the building and the rehabilitation of the existing building. Spoke to a couple of architects and rehabilitation the existing building cost around \$300.00 a square foot which comes out to \$672,000.00. The modular is estimated at \$531,375.00.

**STORMWATER STUDY**

There are concerns as to what needs to be done to upgrade the stormwater system. Had the opportunity to walk portions of the Borough during a rain storm with the concerns of the storm drainage system and it is impossible from a gravity standpoint to get the water to the creek because the inlets are lower on First Street than the outlets downstream. A study needs to be done to figure out what size pipes are there, and where they are going. Some of the pipes are blocked, clogged and paved over. The study will cost around \$15,000 to do and will need Council's approval. Steve Frye made a motion to approve Jamie MacCombie to do the study for up to \$15,000.00, 2<sup>nd</sup> by Bob Cleveland, motion carried.

**ZONING OFFICER'S REPORT**

Tom Lowry gave the following report:

**ZONING ORDINANCE UPDATE**

Would like to have a contact person to talk to because it is your Borough and you know what your needs and concerns are. President Bryan volunteered to be the contact person.

**CELL TOWER**

Mr. Lowry said that Jeff Dolan from Crown Castle has a problem with the free fall cell tower language in the proposed ordinance. Waiting on Mr. Dolan's response.

**FINANCE COMMITTEE**

Fred Bryan gave the following report:

**APPROVE THE BILLS TO BE PAID**

The committee reviewed the bills to be paid and recommend Council's approval. Fred Bryan made a motion to approve the bills to be paid, 2<sup>nd</sup> by Steve Frye, motion carried.

**APPROVE FINANCIAL STATEMENTS**

The committee reviewed the financial statements and recommend Council's approval. Fred Bryan made a motion to approve the financial statements, 2<sup>nd</sup> by Steve Frye, motion carried.

**EMERGENCY FUND**

President Bryan said according to the Solicitor, an emergency fund should be set up so that in the case of an emergency. A special meeting would not have to take place before expediting funds for an emergency. Glenn Diehl said it is a good idea to have a modest amount of funds available for emergencies without calling a special meeting and to have designated people to approve the emergency. Mr. Diehl said the reasons to expedite emergency funds are for health and safety issues and that it is not reasonable to wait until a meeting can be called or it is an urgent situation that would cost more if you wait. Bob Cleveland made a motion to set up an emergency fund for health and safety not to exceed \$5,000.00, and if it is over \$5,000.00, Council needs to meet to approve the amount and approved by the signatories on the checking accounts, 2<sup>nd</sup> by Patrick Harrison, motion carried. The line item to allocate this fund will come out of in the budget and will be approved at the next meeting.

2007 AUDIT

The auditor is finishing up the audit and we should have the draft soon.

APPROVAL OF MINUTES

Bob Cleveland made a motion to approve the minutes from April 15, 2008, 2<sup>nd</sup> by Steve Frye, motion carried.

MAYOR'S REPORT

Mayor Howell gave the following report:

GRANT -BOROUGH BUSINESS SIGN – AWARDED \$10,000

Received the notice that the grant was awarded to the Borough for the replacement of the Borough business sign. We received permission to put up the sign from Senator Pileggi's office. The base of the sign will be made from Avondale stone. The total for the sign and base is \$6,300.00. The rest of funds will be spent on gateway signs.

GRANT APPLICATION FOR THE LED LIGHTS

Received the contract from DCED for the LED lights for \$50,000. Representative Chris Ross said he would make up the difference, but we still have not received official notice that we are granted the \$13,000.

FALL FESTIVAL

The fall festival is scheduled for October 11, 2008.

PERSONNEL COMMITTEE

Bob Cleveland gave the following report:

The Personnel Committee advertised in the Daily Local News the Council vacancy created by Russell S. Kilmer's resignation effective May 1, 2008. His term expires the first Monday of January 2010. The committee will make a recommendation to Borough Council at next week's Council meeting, Tuesday, May 27, 2008.

Becky attended a class on Public Records Management, she will meet and discuss the class with the Personnel Committee, and the committee will then report to Council.

STREET & STREET LIGHTS COMMITTEE

Bob Cleveland gave the following report:

1. Dominick DiFilippo did the following work:
  - a. Repaired the street sign at the corner of Third St. & Pennsylvania Avenue. The sign had been knocked down.
  - b. Replaced the "No Parking This Side" signs on West Second Street.
  - c. Fixed a large pothole at the corner of East Second St. and Pennsylvania Avenue.
2. "Yield To Pedestrians" sign on Pennsylvania Avenue at Third Street was destroyed, and has been replaced.
3. The Streets Committee is in the process of developing a 1, 3, and 5 year plan for repair of the streets.

4. Two bids have been received for the oiling and chipping of Chatham Street from Fourth St. to First Street, and East Second Street from Pennsylvania Avenue to James Watson Park. Both bids would be for a double application of oil and chip. The street sweeping/cleaning before the work would be the borough's responsibility. SECCRA has agreed to do the street sweeping for \$500. The bids were as follows:

Asphalt Industries	\$ 25,000.00
Martin Paving	\$ 13,125.00

The committee recommends that the oil and chipping be done, and that the bid be awarded to Martin Paving for \$ 13,125. And that up to \$500 be included in the total for street sweeping/cleaning by SECCRA for a total of \$ 13,625. Bob Cleveland made a motion to approve \$13,625.00 for the oiling and chipping of Chatham Street from Fourth Street to First Street, and East Second Street from Pennsylvania Avenue to James Watson Park, and up to \$500.00 for street sweeping/cleaning by SECCRA, 2<sup>nd</sup> by Patrick Harrison, motion carried.

5. The Avondale Fire Company has requested a street light at the end of their driveway. Becky spoke with PECO, and they will install the light within the next 6 weeks.
6. A letter was sent to 315 New Street on May 15th – tree branches hanging over street.
7. Becky received an e-mail from Kim at Penn Container regarding the overflowing trash containers. They will put the flyer's on the trash cans on Tuesday May 27th – weather permitting.
8. Tom Lowry sent violation letters to 200 & 202 Chatham Street & 424 Minor Street – untagged vehicles.
9. There is a bush that needs to be trimmed that is hanging into the street at the corner of Sixth & Chatham Street. Becky wrote a letter to the homeowner, and the bush has been trimmed.
10. A concern was received from Penn Container regarding low-hanging wires on both West Second Street, and Henson Street. The trash trucks are unable to pass under the wires without striking them. The committee ascertained that the wires were telephone wires. Becky called Verizon, and the wires have been elevated.

#### **WATER & SEWER COMMITTEE REPORT**

Bob Cleveland gave the following report:

There was an incident at 101 Fourth Street. Sewage was overflowing from the vent pipe, into the adjacent neighbor's yard, and then continuing down Morris Street. There was difficulty communicating the problem to the property owner. The situation was corrected after Michelle Steele spoke to the owner.

The committee is in the process of developing guidelines to follow regarding residents who request a payment plan regarding their water/sewer bills. The committee will make a recommendation to Council at the June 17<sup>th</sup> Council Meeting.

The committee requests an Executive Session to discuss with Council situations involving the usage of unmetered water by two individuals. One incident was in EEMA's report.

**PUBLIC SAFETY COMMITTEE****ADDITIONAL INSURANCE COVERAGE**

President Bryan said we have three insurance quotes. One from American Sentinel for \$450.00 per year, Second one from AIG (National Union Fire) and the third from Francis Dean & Associates for \$200.00 per year. The insurance with Francis Dean & Associates has higher benefits but does not have disability coverage. Steve Frye made a motion to approve the quote from AIG (National Union Fire) for \$500.00 per year, 2<sup>nd</sup> by Bob Cleveland, motion carried. Council agreed to have President Bryan check to see if we can be insured by two insurance companies.

**PROPERTY & EQUIPMENT COMMITTEE**

Steve Frye gave the following report:

**QUARRY FENCE ON INDIAN RUN ROAD**

Kennett Square Fence repaired the section of fence at the quarry where a tree fell and needs Council approval to pay \$900.00 for this repair. Steve Frye made a motion to approve \$900.00 to Kennett Square Fence for the repair of the fence, 2<sup>nd</sup> by Bob Cleveland, motion carried.

Council adjourned to an Executive Session at 8:20 p.m. to discuss legal matters.

President Bryan brought the meeting back to order at 9:50 p.m.

**411 CHATHAM STREET**

Bob Cleveland made a motion to install a curb stop at 411 Chatham Street and shut the water off, 2<sup>nd</sup> by Steve Frye, motion carried.

**STRIP MALL – BALTIMORE PIKE**

Bob Cleveland made a motion to approve Glenn Diehl to follow through with whatever legal action is necessary for Tony Tsaganos' strip mall, 2<sup>nd</sup> by Steve Frye, motion carried.

Bob Cleveland made a motion to adjourn the meeting at 9:55 p.m., 2<sup>nd</sup> by Patrick Harrison, motion carried.

Respectfully submitted,

Becky Brownback  
Borough Secretary