

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**  
**Tuesday, July 10, 2007**  
**7:30 A.M.**

**Those in Attendance:**

Michael H. Corbin, Chairman  
David Summers, Treasurer  
Joseph Anthony, Secretary  
Sandra Moser, Member

**Absent:**

Gerald Kirkpatrick, Vice-Chairman

**Also in Attendance:**

Scott T. Piersol, Township Manager  
Matthew T. VanLew, Roadmaster  
John Spangler, Esq., Municipal Authority Solicitor  
Joseph Boldaz, Municipal Authority Engineer  
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, July 10, 2007 at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:30 A.M.

**Minutes: June 12, 2007**

Mr. Corbin asked if there were additions or corrections to the above minutes. There were none. Mr. Summers made a motion to approve the June 12, 2007 minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

**Treasurer's Report**

Mrs. Smedley reviewed the Treasurer's Report and Account Balance as of July 9, 2007. Mr. Anthony made a motion to approve the Treasurer's Report and authorize payment of bills. Mrs. Moser seconded the motion, with all voting Aye.

**Sewer Connection Updates**

Mrs. Smedley provided the following update on connections to the Guthriesville Sewer District.

Timothy Miller – Mr. Miller has agreed to connect to the sewer system, but is still working out financing. Mrs. Smedley will contact him to see when he plans to connect. If Mr. Miller does not connect to the sewer system in a timely manner further legal action may be taken.

Joe Burns Beverage – Mr. Ulrich was unable to attend the Municipal Authority meeting, but did say that a financial institution was interested in building on his property. He will send a letter to the Authority regarding the proposed use for his property.

Wawa/DiGiamberardino Property – Wawa has paid the tapping fee. This issue is resolved.

Brandywine Wallace Elementary School – Mr. Piersol reported that a newspaper reporter from the Daily Local News informed him that the Downingtown School District agreed to request 25 EDU's of sewage disposal capacity for the Brandywine Wallace Elementary School. Mr. Piersol will contact the School District's Solicitor, Guy Donatelli, and ask that any requests for sewage capacity from the School District be made directly to the Municipal Authority, *in writing*.

#### **Update on Delinquent User Fees**

Delinquent notice letters were sent to several property owners on June 4, 2007. Mrs. Bednarchik reported that all of the customers have paid their fees except for the Paynics. A municipal claim may be filed if payment is not received by July 16, 2007. The Paynics have not paid any user fees since the property was connected to the public sewer system. There are currently two open municipal claims against the property owner. The Authority may wish to initiate steps toward collection if the account continues to remain unpaid. Mr. Summers will attempt to contact Mrs. Paynic prior to any additional action being taken.

#### **Hide-A-Way Farms Pump and Haul Plan**

Mr. Boldaz reviewed the Pump and Haul Log Book, which includes documentation through March 29, 2007. The checklist was reportedly completed by Earthcare/McGovern Environmental. The inspection and pumping checklist were found to be inconsistent with the plan as approved by PA DEP, as the developer or the hauler failed to complete the required inspections three times per week with no more than two days between inspections for the months from November through March. Mr. Boldaz sent a letter to Southdown Homes stating that until PA DEP and the Municipal Authority approve a change in the current inspection frequency, the applicant should follow the inspection schedule in the approved Pump and Haul Agreement. As of today's date, Mr. Boldaz has not received a response from Southdown Homes. Mr. Boldaz hopes to have some resolution of this issue by next month.

#### **Hillendale Development**

Southdown Homes is proposing the construction of a 149-lot single-family and a 59-lot townhouse development known as Hillendale. The site is located in the R-1 Residential District and Mobile Home Park Overlay Zoning District. The preliminary plans have

been prepared in accordance with a settlement agreement signed on November 4, 2004. The development is located adjacent to Creek Road. Access to the site is proposed from both Township Road and Creek Road. Road A and part of Road B will be dedicated to the Township. All roads are residential streets, except Road B, which is classified as a main collector.

On-site wastewater collection and treatment is proposed as well as an on-site community drip irrigation system. Two pumping stations and one treatment facility are proposed. The project will be served by public water.

School DePalma July 5<sup>th</sup> letter regarding Pump Station #1 and #2 and the Water Quality Management Permit Application (Part II)

School DePalma received two Water Quality Management Part II applications for Hillendale Pump Station #1 and Hillendale Pump Station #2. Mr. Boldaz is recommending that the Municipal Authority allow the project to proceed with the PA DEP Part II permitting process.

This recommendation does not constitute a complete technical review of the project. Once PA DEP approval has been obtained, and prior to release for construction, all drawings shall be subject to revision to address all existing and future Township and Authority comments. All field changes necessary during construction shall also be reviewed and approved by the Township, Authority, or their representatives.

**Applecross Development (AKA Overlook Road Farm)**

The applicant is proposing to build a combination of single family homes, carriage homes, and townhouses for a total of 655 units on both the north and south side of East Reeceville Road. The plan also shows an 18-hole Jack Nicholas-designed golf course with a clubhouse. The property encompasses approximately 621.74 acres of land, comprised of 307.58 acres north of East Reeceville Road and 314.16 acres south of East Reeceville Road. The southern portion of the proposed development is a 310 acre tract located in the R-2 Zoning District and proposes single family homes on individual lots and approximately half of the golf course. The portion of the property north of East Reeceville Road was granted preliminary plan approval in March of 2004.

The "North Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-3 Residential Zoning District in conjunction with the Settlement Agreement dated April 1, 2004. The "South Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-2 Residential Zoning District. The project is proposed to be constructed in five phases. The applicant received final plan approval, with conditions, for Phase 1 of the development on November 2, 2006.

Mr. John Curtin and Mr. Fred Ebert attended the meeting on behalf of the applicant.

Revised Pump and Haul Agreement

Mr. Fred Ebert provided a revised Pump and Haul Agreement for the Board of Supervisors and Municipal Authority to review. The revised Agreement was received on July 3<sup>rd</sup> and has not been reviewed by Mr. Spangler.

Mr. Boldaz provided the following preliminary comments in his July 9<sup>th</sup> letter which the Authority has not had time to review.

- 1 A copy of the WQM Part II construction and Operations Permit has not been received from PA DEP and therefore not included in the submission.
- 2 The connection and implementation schedule is not included with the submittal.
- 3 The developer should include the "Collection System" with the list of approved for operation items under the "Elimination of Plan".
- 4 The submittal indicates that additional storage capacity will be obtained by using the SBR tank. The odor control of the WWTP will not likely be completed until well after construction of the WWTP. Mr. Boldaz does not recommend using the SBR storage option. He suggested that the developer consider restricting connections or some other method of storage. The Authority agreed that the SBR tank should not be used as storage.
- 5 The submittal indicated that the equalization tank will be used for additional storage capacity. Mr. Boldaz stated that use of this tank will likely cause uncontrolled odors and possible delays during construction of the WWTP. Schoor DePalma does not recommend using the equalization tank as a storage option. Mr. Boldaz suggested that the developer consider restricting connections or some other method of storage.
- 6 The final decommissioning report should be prepared by the developer and reviewed by the Authority.
- 7 The Agreement in its entirety should be reviewed by Mr. Spangler before approval.

It was noted that the Part II permit still hasn't been approved by PADEP. Although the Pump and Haul Permit can't be submitted to PA DEP for their approval until the Part II permit is approved, Mr. Ebert asked for the Authority's approval to submit a draft Pump and Haul application to PA DEP to begin reviewing in order to expedite the process. The Authority had no objection to this. Mr. Curtin expects the model homes to be completed in October, with the first settlements scheduled for November. Since it takes PA DEP 45 to 60 days to review the application, he would like to submit it as soon as possible.

Mr. Boldaz and Mr. Ebert will work through the comments outlined in Mr. Boldaz's July 9<sup>th</sup> comment letter. Depending on whether these comments can be addressed and dependent upon Mr. Spangler's review of the application, the Authority agreed that it might be possible to submit the application as a draft (pending approval of the Part II Permit) to PADEP prior to the next Municipal Authority meeting. If the Authority is satisfied that the comments of their Solicitor and Engineer are adequately addressed prior

to the next meeting, they may approve sending it on to the Board of Supervisors and PA DEP for their review. The applicant would then attend the August 2<sup>nd</sup> Board of Supervisors meeting. If the application isn't ready by then, the Municipal Authority will consider approval of it at their August 14<sup>th</sup> meeting and the Board will consider the application at their August 15<sup>th</sup> meeting.

Schoor DePalma letter of June 25, 2007 regarding Design and Construction of the Facilities

On June 21<sup>st</sup>, Mr. Piersol, Mr. Boldaz, Mr. Curtin, and consultants and contractors for Pulte Homes met to discuss inconsistencies between the "Issued for Construction" drawings on file at Schoor DePalma compared to the "Issued for Construction" drawings that were being used at the field. As a result of that meeting, a procedure will be implemented for construction drawing revisions, change orders and field orders. Mr. Curtin has provided a draft procedure for the Township to review that can be used not only for this project, but other projects as well.

Schoor DePalma Pump Station "A" Review #3 of June 29, 2007

Mr. Boldaz reviewed design documents dates November 15, 2004 and revised June 4, 2007, as submitted by Ebert Engineering. The proposed pumping station is located in the southwestern portion of the proposed development and will convey wastewater, on a temporary basis, for West Brandywine Township and on a permanent basis for East Brandywine Township to the Applecross Wastewater Treatment Plant. He reviewed the design plans with respect to the proposed sanitary pump station and related appurtenances and offered comments for the applicant's consideration. Mr. Ebert has reviewed the comments and will make the necessary changes to the design documents.

Schoor DePalma July 5, 2007 review regarding Construction Clarification (Addendum #5)

Mr. Boldaz offered comments on Addendum #4 provided by Horizon Engineers for the applicant to review. The applicant will review the comments and incorporate them into the design. Mr. Boldaz's comments included that an overall flow schematic and overall plan showing each force main, connections, interconnections, associated ponds, pump stations, line sizes, flow rates and materials conveying wastewater should be provided for clarification. In addition, a detailed narrative describing the submitted changes compared to the approved-for-construction drawing set should be provided.

Schoor DePalma June 29, 2007 letter regarding Value Engineering Review Comments

Mr. Boldaz reviewed the Applecross Road Wastewater Treatment Plant Value Engineering modifications submitted by Ebert Engineering in a letter dates May 3, 2007. Mr. Boldaz's comments included a recommendation that the air changes for the reactor building remain at 3 air changes per hour based on the discussion initially presented in

the August 3, 2006 review letter, as well as the discussion held at the September, 2006 Municipal Authority meeting. As an alternative for odor control, Mr. Ebert stated that a biofilter may be considered in lieu of an activated carbon filter to reduce the capital and operating costs. This would require further evaluation.

### **Applecross Treatment Plant – Reserving Treatment Capacity**

Mr. Corbin stated that Pulte Homes, K. Hovnanian and Gambone Brothers are in discussions regarding treatment capacity at the Applecross Wastewater Treatment Plant. He asked Mr. Curtin to keep the Authority abreast of any developments.

### **Sewer Odor Issues**

Mr. Piersol stated on June 13<sup>th</sup> he discussed the odor issues with Mr. Don Donatoni, President of Aqua Pennsylvania wastewater treatment division. Mr. Donatoni stated that Aqua is awaiting final word from the PUC on their application for rate increases in several of their facilities, including the Little Washington Wastewater Treatment Plant, which will impact the rate payers, but not their contract customers. As part of the negotiations with the Hedgerow/Culbertson Run Homeowners Association, represented by an attorney, Aqua has agreed to undertake an “odor study” in the settlement agreement with the Homeowners’ Association. Mr. Donatoni expected the PUC to make their decision within 10 days.

When Mr. Piersol asked Mr. Donatoni to explain what he meant by an “odor study” he said that those residents who are complaining need to document things such as what they smell, time of time, duration of the odor, strength, etc. They will need to provide a log of when these events happen so they can be studied and a course of action defined. Mr. Donatoni feels that the odors are likely coming from the equalization tank. Once they have analyzed the information, they will consider bringing in experts who can recommend possible solutions for odor control.

Mr. Piersol told Mr. Donatoni that the Authority has been gathering information from one resident for the past several months. Mr. Donatoni was also advised that we have received some complaints from the Timbers development and Little Washington Road.

Mr. Piersol stated that the V-Rae Gas Monitor was repaired, and the software has been upgraded so monitoring could begin again at the wet well.

Mr. Ray Crossan, former President of the Hedgerow/Culbertson Run Homeowners’ Association stated that residents on Chapel Court, Lambeth Court and Brookfield Court will be completing a questionnaire and have been asked to keep a log of odors for the next 6 months. The Authority asked Mr. Crossan to provide copies of the logs to the Township for our files, as well as a copy of the Settlement Agreement. Mr. Crossan stated that if there are no noticeable problems, then Aqua isn’t required to do Step #2, which is to hire a consultant to recommend solutions to the odor control problems.

It was noted that some of the suggestions that Alan Roth said would be implemented such as an odor control blanket, charcoal filters over the grates, or installing a timer so that aeration did not take place during the peak odor times have only partially been put into action or have not been implemented at all.

Mr. Crossan also stated that when Wilkinson Builders paid to upgrade the treatment plant no upgrades were made to the equalization tank, which is where it is suspected that the odor problems are originating.

### **Guthriesville Pump Station**

Mr. VanLew reported that there have not been any recent spikes and the data is relatively stable for June. He has not yet reviewed the data from the recent rain events in early July.

### **Mt. Idy**

Mrs. Smedley stated that she has been informed that Misa Corporation has withdrawn their Sewage Facilities Planning Module. She has requested a copy of the correspondence Misa Corporation sent to PA DEP, but to date has not received a copy.

### **PA DEP June 22, 2007 Meeting**

At the request of the Pennsylvania Municipal Authorities Association (PMAA), a meeting was held with PA DEP, PMAA and interested authority and township representatives. Some of the key items discussed were PA DEP's Southeast Regional Office significant staffing problems, which is causing delays in review and approval of permits. In addition, the State is developing statewide Total Maximum Daily Loads (TMDLs), as mandated by the Environmental Protection Agency. PA DEP continues to issue permits regardless of the pending TMDLs, but is making strong suggestions regarding TMDLs to all applicants. The Authority was concerned that the Applecross Treatment Plant be built so that it can meet the TMDL limits outlined by the State.

### **Delaware County Community College**

#### Flow Spikes at the Delaware County Community College

Mr. Corbin noted that the last Discharge Monitoring Report showed a flow spike at the Delaware County Community College. Mr. Boldaz will review and rainfall totals during the period and report to the Authority at next month's meeting.

Pipe Issue

Mr. VanLew reported that the compressed air lines keep getting clogged with rust. Mr. Bob Baker from Applied Water believes this is due to moisture condensing on the interior of the pipes. This will be an ongoing maintenance issue and the pipe may need to be replaced with stainless steel. Mr. VanLew and Mr. Boldaz will review this issue and determine a "scope of work" for the project. At this point Mr. VanLew doesn't think completing the work is urgent for this year, so the Authority will likely add this to the 2008 budget. Mr. VanLew stated he wasn't sure if the system would need to be shut down during the maintenance of the lines; a contractor may be able to run temporary lines or ensure the lines are aerated during maintenance.

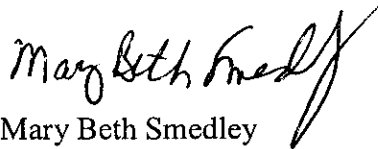
**Public Comment on Non-Agenda Items**

Mr. Corbin asked if there were comments on non-agenda items. There were none.

**Adjournment**

There being no further business, Mrs. Moser moved to adjourn the meeting at 8:45 A.M. Mr. Summers seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley  
Secretary/Treasurer  
East Brandywine Township