

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, September 11, 2007

7:30 A.M.

Those in Attendance:

Michael Corbin, Chairman
Gerald Kirkpatrick, Vice-Chairman
David Summers, Treasurer
Joseph Anthony, Secretary

Absent:

Sandra Moser, Member

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, September 11, 2007 at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:35 A.M.

Minutes: August 14, 2007

Mr. Corbin asked if there were additions or corrections to the above minutes. There were none. Mr. Anthony made a motion to approve the August 14, 2007 minutes as presented. Mr. Kirkpatrick seconded the motion, with all voting Aye.

Treasurer's Report

Mrs. Smedley reviewed the Treasurer's Report and Account Balance as of September 10, 2007. Mr. Anthony made a motion to approve the Treasurer's Report and authorize payment of bills. Mr. Corbin 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 verbally agreed to connect to the sewer system, but is still working out financing. Mr. Spangler will prepare a letter advising Mr. Miller of the legal consequences of not making a connection to the Guthriesville sewer collection system with a deadline.

Update on Delinquent User Fees

Mr. Summers and Mr. Piersol have attempted to contact Mrs. Paynic by telephone, but were not able to reach her. Mr. Piersol contacted one of her neighbors and advised them that the Township has been trying to contact Mrs. Paynic. Mr. Piersol followed up the attempted contact with a letter, but to date has received no response. Mr. Spangler was asked to file a municipal lien on the property for non-payment of sewage user fees.

Mrs. Bednarchik reported that delinquent notice letters for the third quarter user fees were sent to the following customers on September 4, 2007: Breslin, Paynic, Redden, Benner, Porter and Slate. Municipal claims will be filed if payment is not received by October 4, 2007.

Hide-A-Way Farms Pump and Haul Plan

Mr. Boldaz sent a letter to Mr. Earl Cooke dated July 17, 2007 requesting that the developer complete the requested inspection and complete inspection logs three times per week with no more than two days between inspections (as required in the PA DEP permit). Mr. Boldaz also requested that the Inspection and Pumping Checklist be submitted to his office on a monthly basis. He has reviewed the checklist and noted that inspections are occurring only every week or two. The tank on site has sufficient capacity so that the current pump and haul frequency is currently not a problem. Mr. Corbin stated that unless there is an odor, maintenance or aesthetic problem that this frequency appears to be sufficient, at least for the time being.

The Pump and Haul Permit expires November 1, 2007. Mr. Boldaz will send a letter to Mr. Earl Cooke from Southdown Homes requesting that he prepare the paperwork to request that PADEP grant an extension of the permit.

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. Boldaz said that most of this month's correspondence on the Overlook Road Wastewater Treatment Plant related to construction material, shop drawings, and alignment of the sewer depth.

August 21, 2007 Schoor DePalma review letter – Pump Station “G”

Mr. Boldaz reported that it appears that the current configuration of Pump Station “G” could allow the discharge of treated effluent into the storm sewer system and ultimately create an un-permitted discharge of treated wastewater at outfall G2. Any storage facility holding treated effluent should be hydraulically disconnected from the proposed storm sewer system. This may require separate pump stations and non-submerged outlets into Ponds 3 and 4. Mr. Boldaz stated that this issue has been discussed with Mr. Ebert and he will be submitting revisions to the design documents.

August 13, 2007 Schoor DePalma letter – Construction Materials Shop Drawing Review #3

Mr. Corbin asked for additional information on the proposed Akwaseal product that is proposed for the effluent lagoon lining system. Akwaseal is a composite pond liner consisting of two water barriers – bentonite clay and a flexible plastic membrane. The bentonite clay is sandwiched between two textiles. The membrane is permanently laminated to the outer textile surface. The result is a self sealing liner system that is used for water containment projects. Mr. Boldaz stated that as long as weight is not put on the product during installation it works very well. Mr. Corbin said that he was concerned about the long-term durability and integrity of the product unless it is properly covered and protected. He wants to make sure there are inspections when the product is installed and that it is installed in accordance with the manufacturers' specification. Schoor DePalma will be on-site when it is installed. Mr. Kirkpatrick noted that according to the product design specifications there needs to be a 6” overlap on the seams, and that this should carefully be monitored during liner installation. Mr. Boldaz will bring this to John Curtin and Craig Sullivan's attention at Pulte.

K. Hovnanian Sewage Facilities Planning Module

Mr. Boldaz stated that Schoor DePalma received revisions for the Sewage Facilities Planning Module dated July 18, 2007. The Planning module updates included a letter of clearance from the Pennsylvania Historical and Museum Commission, as well as additional soil testing supporting the proposed drip irrigation application rate.

Schoor DePalma has reviewed the information provided and is recommending that the revised Planning Module be forwarded to PADEP for their review. It was noted by Mr.

Boldaz that the drip area located near Rt. 322 and Bollinger Road is now one contiguous area rather than several small areas within the western portion of the tract.

Gambone Commercial Development Watters Property – Sewage Facilities Planning Module

Schoor DePalma reviewed the Sewage Facility Planning Module for the Watters Commercial Development consisting of a bank, pharmacy, and restaurant. Mr. Boldaz reported that no discussion was provided regarding the ultimate sewage disposal for the site in the Project Narrative/Alternative Analysis. The East Brandywine Township Zoning Hearing Board required that the existing package sewer treatment plant be decommissioned and sewage from the site be treated at the Applecross Wastewater Treatment Plant once treatment was able. The applicant should provide a discussion regarding treatment of existing and future wastewater. Additionally, the applicant should include relevant sections of, or specific references to the Overlook Road Farm Sewage Planning Module and the Zoning Agreement.

Plans haven't been finalized regarding how the flows will be conveyed to the Applecross Sewage Treatment Plant. There was discussion that the lines might go through the K. Hovnanian property, but this would probably necessitate an additional pump station. If the lines were to connect directly to the Pulte property there may also be the need for an additional pump station. Mr. Boldaz commented that another option might be for the project flows to connect via a manhole on Brookhaven Lane in the Hopewell Development. The flows could then be conveyed by gravity to the Applecross Sewage Treatment Plant.

Sewer Connection and Reservation Agreement

Mr. Spangler reported that Gambone Development has provided a draft Sewer Connection and Reservation Agreement for the Township to review. What is still unresolved is how the costs for the sewer treatment plant and excess capacity are going to be divided up between three developers (Pulte, K. Hovnanian, and Gambone Development). Also, a reimbursement agreement will be needed with both K. Hovnanian and Gambone. There will be no tapping fee for properties within the Guthriesville Sewer District, as was previously agreed with Pulte. Mr. Spangler has discussed this with Pulte Solicitor Joseph Riper.

Mr. Corbin stated that K. Hovnanian was told by the Planning Commission that they would not recommend final plan approval for the Weaver property until the Sewer Reservation Agreement was finalized and executed.

The applicant was asked to provide specific circumstances where they might be released from the obligation of the agreement under item #11. Language was added that states "If for whatever reasons beyond the Applicant's control (e.g., refusal of Seller to settle and convey title; condemnation of any portion of the Property which negatively affects the

Development; inability of the East Brandywine Facility and/or the conveyance system to the East Brandywine Facility and/or treat any portion of the sewage from the Development, Applicant is unable to proceed with its Development or if Applicant does not secure all necessary municipal and other governmental approvals and permits required necessary to commence its Development, Applicant and Issuer shall be released from the obligation of this agreement.”

The existing commercial property at Brandywine Village Shopping Center needs to be added to the Agreement and needs to be clearly spelled out. Additionally, contributory flows from the existing units must be added to the proposed units such that flows are accurately reflected and EDU calculations for the Pulte wastewater treatment plant can be properly tracked.

The reimbursement agreement with the Township may be difficult to administer. The Municipal Authority would like to tie this agreement in plan approval and issuance of use and occupancy permits.

Brandywine Wallace Request for Water and Sewer Capacity

In a letter dated July 25, 2007, Guy Donatelli, Solicitor for the Downingtown Area School District requested 25 EDU's for the Brandywine Wallace School renovation project. Mr. Piersol stated that the plans include extending the existing offices, removing the modular facilities at the end of the school, HVAC renovations and updating the stormwater management system using infiltration beds.

Mr. Jack Williams one of the neighboring property owners is concerned that his sand mound will be compromised due to stormwater from the school site and has had recent discussions with the School District about this. The Municipal Authority will review this issue as the project moves forward.

There will be additional treatment capacity once the Applecross Wastewater Treatment Plant is completed. The Municipal Authority agreed that a tapping fee would need to be assessed to the School District and they would need to enter into a capacity reservation agreement, with the Authority. The EDU-based cost is currently being finalized by the Township Engineer. There will also be costs incurred by the School District to construct the sewer lines and other infrastructure needed in order for the School to connect to the sewer system. These fees will need to be paid in advance of construction.

There may be other residents who would like to connect to the sewer system. Any extension to the School should also include this option.

PADEP will likely require the Township to modify its Act 537 Special Study, which was enacted to provide public sewage collection and disposal to areas in and around the Village of Guthriesville. The District will need to reimburse the Township for costs

associated with the Act 537 Special Study plan revisions. An escrow fund can be established from which the Township will draw for reimbursement of these costs.

Since the Planning Module review and approval process can take quite a bit of time, the School District will be asked to submit it to the Township as soon as possible.

Mr. Piersol will draft a letter for the Municipal Authority to review that will be sent to Mr. Donatelli outlining the above issues and any other pertinent issues that the Township may wish to discuss.

Mr. Donatelli also stated that the School District would like to extend the current Aqua Pennsylvania water line to provide service to the Brandywine Wallace School District. The School District will need to make a formal request for public water to Aqua Pennsylvania and the Township will need to support an extension of the service territory to serve the needs of the School for potable consumption and fire protection needs.

Request for Sewer Capacity from Keller Way

Mr. Jeffrey Valocchi sent a letter to the Township stating that he would like the Township to consider including Keller Way for future municipal sewer service in light of the Brandywine Wallace request to connect to the sewer system. The Municipal Authority has not ruled out including Keller Way for sewer connection, but was concerned that residents in that development would need to be made aware that connection to public sewer could be very expensive. In addition to paying a tapping fee, all residents in the District would be financially responsible for infrastructure to Keller Way and then for connection to their homes from the lateral. Mr. Piersol will send a letter to Mr. Valocchi discussing his request and the Municipal Authority's concerns.

Sewer Odor Issues

Mrs. Smedley has forwarded copies of odor logs from several residents in the Hedgerow/ Culbertson Run and Timbers Developments to Alan Roth at Aqua Pennsylvania. This is still an outstanding issue. Although the Authority has no current obligations relative to curbing the odors at the Little Washington Plant, the Authority will monitor Aqua's progress on the odor study in the area.

Guthriesville Pump Station

There have been no unusual flow spikes at the Hopewell Pump Station in the last month, which could be due in part of the dry weather. Mr. VanLew will continue to report on the water levels each month.

Delaware County Community College

Flow Spikes at the Delaware County Community College

Mr. Boldaz reviewed the rainfall totals during the time when high water levels were observed. He determined there appears to be no correlation between the two. He will continue to monitor this situation.

Pipe Issue

At the July meeting, Mr. VanLew reported that the compressed air lines for the plant keep getting clogged with rust. Mr. Boldaz was asked to assemble a list of costs in order to make the necessary improvements, along with other maintenance issues that should be considered in next month's budget. It was noted that there was some overgrown vegetation that Mr. VanLew will have cleared away and some rust on the tank that should be taken care of at the same time the pipe problem is repaired.

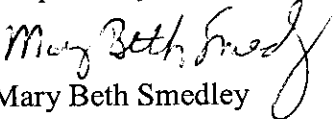
Public Comment on Non-Agenda Items

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

Adjournment

There being no further business, Mr. Anthony moved to adjourn the meeting at 8:50 A.M. Mr. Kirkpatrick seconded the motion, with all voting Aye.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township

The Municipal Authority adjourned to Executive Session to discuss the Municipal Authority Engineer's function with Mr. Piersol, Mr. Spangler, Mr. Boldaz and Mr. Neil Basile from Schoor DePalma.