

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, December 11, 2007
7:30 A.M.

Those in Attendance:

Michael Corbin, Chairman
Gerald Kirkpatrick, Vice-Chairman
David L. Summers
Joseph Anthony, Secretary
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
Karen DeFazio, CMX
John Vena, CMX
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, December 11, 2007 at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:30 A.M.

Minutes: November 13, 2007

Approval of the November 13, 2007 minutes has been deferred until the January 2008 meeting.

Treasurer's Report

Mrs. Smedley reviewed the Treasurer's Report and Account Balance as of December 10, 2007. Mr. Kirkpatrick made a motion to approve the Treasurer's Report and authorize payment of bills. Mr. Anthony 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. Spangler sent Mr. Miller a letter dated October 3, 2007 reminding him that Resolution 01 of 2005 allows the Municipal Authority to make the sewer system connection on his behalf, bill him for the services, and file a municipal lien against the property if he does not arrange, and pay, the connection services himself. On December 7, 2007 Mr. Miller sent a letter requesting a six month extension to connect to the sewer system in order to arrange for financing. Mr. Summers made a motion to grant

a six month extension until June of 2008 for Mr. Miller to connect to the sewer system. Mrs. Moser seconded the motion, with all voting Aye.

Update on Delinquent User Fees

On December 4, 2007 delinquent notice letters for the fourth quarter user fees were sent to the following property owners: Berry, McAnally, Best Specialty Foods, Brandywine Country Living, Neff and Redden. Municipal claims will be filed if payment is not received by January 3, 2008.

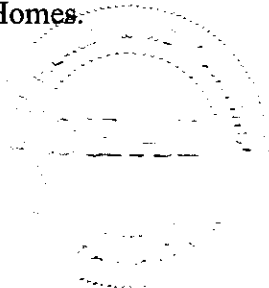
Sewer Odor Issues

Aqua Pennsylvania set up a portable hydrogen unit at the Hopewell Pump Station, on a trial basis, that doses the effluent several times a day. Mr. VanLew stated that the start date of unit operations was November 21st. The unit is using approximately 15 gallons of hydrogen peroxide a week and the unit is pumping about 18 hours a day. Mr. VanLew plans to gather data from the hydrogen sulfide meter that will be placed at the wet well so the Authority can compare the effects of dosing. Mr. Corbin remarked that the Authority may have a better sense whether the unit is working by next month's meeting. Mrs. DeFazio stated that Mr. VanLew provides her with the data every week or so, and she will analyze the latest information once she receives it.

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 attended the meeting on behalf of the Pulte Homes.



Yerkes November 15, 2007 Irrigation Pump Building Review Letter

The applicant is proposing an irrigation pump station that will take water from Treated Effluent Lagoon No. 3, pump to irrigation fields using 4 @ 75 Hp pumps that will deliver 2,250 gallons per minute at 150 psi. The proposed irrigation pump station will feature a stationary intake pipe with screen, a filter and filter flushing equipment. The pump building will be 8' x 16', and will be approximately 16' at the highest point. The building will be constructed of 8" x 9" x 16" architectural split face concrete block with a prefabricated wooden truss and asphalt shingles. The concrete wet well is proposed to be 6' x 8' x 21' deep.

Mr. Boldaz stated that most of the comments in this letter were structural in nature. Mr. Curtin said that the applicant will comply with most of the comments received in the Yerkes review letter. There were several comments that will need to be discussed with the irrigation designer. Once that discussion takes place, the applicant will get back to Mr. Boldaz.

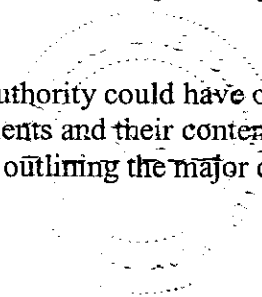
Intermunicipal Agreement, Addendum #1 and Addendum #2 to the Agreement for Construction and Operation of Community Sewage Facilities

Mr. Corbin asked for a status update on the above documents. Mr. Spangler reported that Mr. Ripper, attorney for the applicant, was to make some adjustment to the Intermunicipal Agreement. To date, Mr. Spangler hasn't heard back from him. Mr. Curtin stated that there are still some components in the documents that need to be addressed. He also stated that the sewer rental fee has to be established.

Yesterday, Mr. Curtin and Mrs. Smedley discussed the sewer rental fees. Since several of the homes are closing this month, certain issues with the fees need to be finalized. The first is the actual fee. The fee proposed by Mr. Ebert was approximately \$1,012 annually for a single family home or \$253.23 per quarter. The fee for townhouses and carriage homes was approximately \$787.50 annually, or \$196.88 per quarter. The Authority asked that Mr. Spangler and Mr. Boldaz review these figures to make sure they are still accurate. Mr. Curtin will also ask Mr. Ebert to review his figures. The second issue is who will actually do the billing. Pulte Homes would like the Authority to do the billing and reimburse Pulte for pump and haul charges, minus administrative fees. If that is the case, Mrs. Bednarchick will need to set up the Pulte users in her computer system.

Mr. Spangler suggested that if there were certain items, such as the pump and haul, contained within the Agreement that Pulte would like to fast-track while the above documents are being reviewed, the Authority might consider a separate agreement for those items.

Mr. Kirkpatrick said that it would be helpful if the Authority could have one sheet of paper that provides a summary of the various agreements and their content. This document could be nothing more than bulleted items outlining the major components of



each of the above documents. He stated that it has become confusing to remember what is addressed within each agreement. Mr. Spangler will provide this information.

Wastewater Treatment Plant Construction Schedule

Mr. Curtin provided a rough timeline for construction of the Applecross Wastewater Treatment Plant:

1. November 2007 – Blasting and over-blasting for the Sequencing Batch Reactor (SBR) tanks and sumps at the treatment plant site (complete).
2. January 2008 – Submit revised wastewater treatment plant plans per CMX and Value Engineering's comments.
3. March 2008 – Receive final review and approval from CMX on revised plans.
4. April/May 2008 – Release Dutchland for production of SBR tanks.
5. July/August 2008 – Expected start of plant construction.
6. August/September/October 2009 – Estimated completion of wastewater treatment plant.

Mr. Curtin stated that Mr. Ebert will meet Mr. Boldaz to discuss changes to the treatment plant and hopes to submit revised plans to CMX by mid-January.

Because there have been numerous changes to the plans due to recommendations by CMX and Value Engineering, Pulte plans to re-bid the project. Mr. Curtin stated the Letter of Credit (LOC) will also need to be revised.

According to Mr. Curtin, residents who have or will purchase homes in the vicinity of the proposed treatment plant have been informed of its location and proximity of their homes to the treatment plant.

Mr. Curtin was asked to have the pump stations added to the construction schedule.

CMX December 7, 2007 letter – Applecross Lagoon Liner Installation

Mr. Boldaz thought that although Brubacher Excavating, Inc. has generally been performing work in accordance with the approved documents at the Applecross development, he is concerned with the level of care being taken to properly protect and install the lagoon liner. He said that the manufacturer's requirements must be met in order to protect and maintain the integrity of the liner during installation. He outlined specific areas of concern including at times, the liner was not protected from masonry materials and that sharp rocks and debris were seen on top of the exposed liner.

Mr. Boldaz said that it was imperative that Pulte communicate the importance of proper care and installation of the liner to their subcontractors. Plywood and earth should cover the liner to protect it from work being done on the retaining wall. The wall is approximately 4 feet high, but sits up 10 to 12 feet from the lagoon. Since the Authority

will ultimately be responsible for maintenance of the liner, it is important that it be installed to their satisfaction and that the warranty is in place prior to taking dedication of the lagoon and liner.

Mr. Boldaz reported that most other construction-related activities seem to be going well on the site. There was a problem where a by-pass pump ran out of fuel and some small debris entered the stream. There have also been a complaint about the noise from the pump.

K. Hovnanian

Mr. Spangler reported that K. Hovnanian is reviewing the Sewer Connection and Reservation Agreement and Hovnanian's financial obligation with regard to allocating costs.

Hide-A-Way Farms

WQM Permit

Mr. Boldaz submitted the permit renewal application to PADEP on November 2nd. Due to the down-turn in the housing market, the permitted seepage beds have not been used to date, and it is unlikely that the seepage beds will be in use in the near future. On November 15th PADEP asked for the following additional information: the application fee, the design engineer's report and accompanying drawings with a professional engineer's seal and signature, and the Act 14 Notification.

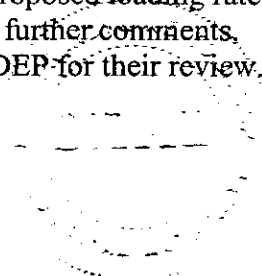
There are currently only six completed and occupied homes in the development. The sewage being generated is currently pumped and hauled.

The Act 14 Notification was submitted to PADEP on November 30th. Although the permit has expired, Mr. Boldaz stated that no violations are occurring. CMX will re-submit the permit with the requested information within the next several days.

Hillendale

Drip System Modifications

Mr. Boldaz reported that CMX received a revised Design Engineer's Report and revised drawings relating to the proposed drip disposal system at the Hillendale Subdivision. These documents revised the proposed loading rate in some of the drip zones and clarified the basis of the calculations used to determine the proposed loading rates. CMX took no exception to the revised documents and provided no further comments. Southdown will now submit these revised documents to PADEP for their review.



Sewer Facility Sewer Improvement Agreement and Sanitary Sewer Facility Lease and Operating Agreement

Mr. Spangler and Mr. Boldaz continue to review these agreements. Once their review is complete, they will pass along their comments to the applicant.

Downingtown Area School District (DASD) Request for Water and Sewer Capacity

On November 21st Mr. Summers, Mrs. Moser, Mr. Anthony, Mr. Boldaz, Mr. Oeste and Mr. Piersol met with Downingtown Area School District Solicitor Guy Donatelli and Bill McLaughlin, DASD Acting Director for Facilities, to discuss the Brandywine-Wallace Elementary School project. Mr. Donatelli said that a connection to the public sewage system is not part of the proposed renovations to the School. The School District would like to reserve capacity for future needs, in case of a failure of the existing on-site disposal system. In order to reserve future capacity the Authority would require a formal agreement and reservation agreement. Mr. Spangler and Mr. Boldaz were asked to look into this.

Ms. Moser was concerned that any agreement not be open-ended. She recalled that when the School District reserved capacity in Wallace Township, it was not used for many years. It was suggested that if the sewer reservation isn't used within a certain period, additional payments may be required.

Mr. Kirkpatrick stated he wasn't sure that he wants the School District to use the sewer capacity merely as an emergency back-up to their on-lot system. It was also suggested that if the School District is interested in reserving sewer capacity they should submit a Sewage Facilities Planning Module for review. Mr. Spangler will send a letter to Mr. Donatelli requesting that the School District submit a Sewage Facilities Planning Module for review. Mr. Donatelli will also be asked to submit a draft reservation agreement and a copy of the Wallace Township agreement for review.

Keller Way Request for Sewer Capacity

Mr. Jeffrey Valocchi has requested that the Authority consider providing sewage service to Keller Way. Unless Brandywine Wallace Elementary School connects to the sewer system it is unlikely that it will be economically feasible for residents along Keller Way to connect. Mr. Corbin agreed to review Mr. Valocchi's letter and draft a response.

Request for Sewer Capacity for the East Brandywine Baptist Church

Mr. Tony DeLuca informed Mr. Piersol that members of the Community College would be meeting this evening to discuss the Baptist Church's request for sewer capacity.

According to historical water usage provided, the Church currently consumes an average of 219.3 gallons per day and has a peak monthly average of 450 gallons per day. Using

400 gpd per day to determine future flow rates, Mr. Boldaz recommends that the Authority consider a future flow rate to the sewer plant of 825 gpd or 3 EDUs. The wastewater treatment plant has no set permitted flow unit other than a permitted hydraulic capacity of 18,100 gpd. According to the 2006 Chapter 94, Wasteload Management report the wastewater treatment plant has an average monthly influent flow of 7,600 gpd and a 3-month maximum average flow rate of 10,100 gpd. Using the maximum month average, it appears that approximately 8,000 gpd of excess capacity is available.

Mr. Boldaz believes that that there is remaining capacity within the wastewater treatment plant and it could operate more efficiently if the current influent flow rates were consistent with design criteria. Delaware County Community College has the right to all excess capacity to handle their future buildout and the use of the remaining capacity must be approved by the College.

Mr. Piersol will pass this information along to the Community College.

Keats Glen Aeration Piping

The Authority discussed how correction of the corroded aeration piping and the poor condition of the tank coating could be handled from a budgeting perspective. At the November meeting, CMX estimated that installation of new aeration piping and cleaning, and removal and recoating of the tank would cost approximately \$107,000. The Authority asked CMX to consider breaking the project into two smaller projects. CMX presented their cost estimate showing that the costs would increase by approximately \$12,000 if the project were completed separately, in part because the tank would have to be drained two times and the jobs would need to be bid separately. There may be some flexibility in completing the project, such as only painting/recoating the top of the tanks at and above the water line. Mr. Boldaz recommends that the project be completed early in 2008 rather than later in the year. CMX was asked to prepare a proposal for the design and bidding services needed to address the repairs needed to complete the job as one large project

Mr. Summers stated that the sewer user rate may need to be raised for the Keats Glen customers. He has budgets for some maintenance repairs for the treatment plant, but it will not cover the entire anticipated cost of this project. Mr. Piersol noted that there is a separate sewer capital reserve account that may be able to be used for these repairs. Mr. Piersol will determine whether these funds are available and can be used.

2008 Budget

Mr. Summers provided a final budget for the Municipal Authority to review.

Mr. Summers has budgeted for administrative costs so the Authority can reimburse the Township for use of personnel and equipment. He has allocated \$10,000 for the

budgeted item. Mr. Piersol and Mr. VanLew will provide backup for the Township reimbursement by showing personnel time, vehicle and equipment costs.

Mr. Piersol and Mr. Summers have had discussions about possibly providing flood insurance for the Bondsville Road pump station. Although flooding in that area hasn't damaged equipment, the area encounters high water conditions several times in the past. The approximate cost to insure the pump station would be \$1,700.00 per year.

The Authority will defer approving the 2008 budget until it is determined whether the sewer rates will be raised for the Delaware County Community College and Keats Glen users. If the rates are increased, it will need to be done by Resolution at the January 8th Municipal Authority meeting.

Reappointments

Mr. Kirkpatrick made a motion to appoint Mr. Summers for another 5 year term on the Municipal Authority. Mr. Corbin seconded the motion, with all voting Aye.

Mrs. Moser made a motion to reappoint Mr. Corbin as Chairman, Mr. Kirkpatrick as Vice-Chairman, Mr. Anthony as Secretary and Mr. Summers as Treasurer of the Municipal Authority for 2008. Mr. Anthony seconded the motion, with all voting Aye.

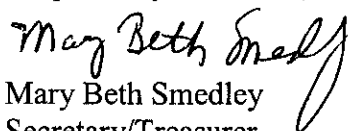
Public Comment on Non-Agenda Items

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

Adjournment

There being no further business, Mr. Kirkpatrick moved to adjourn the meeting at 9:15 A.M. Mrs. Moser seconded the motion, with all voting Aye.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township

