

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, May 13, 2008
7:30 A.M.

Those in Attendance:

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

Absent:

Michael Corbin, Chairman
Sandra Moser, Member

Also in Attendance:

Thomas Oeste, Esq., Municipal Authority Solicitor
Joseph Boldaz, Municipal Authority Engineer
Justin Scarth, CMX Engineering
John Hammell, CMX Engineering
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, May 13, 2008 at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:35 A.M. There were four visitors present.

Minutes: March 11, 2008 and April 8, 2008

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

Treasurer's Report

Mrs. Smedley reviewed the Treasurer's Report and Account Balances as of May 12, 2008. Mr. Anthony made a motion to approve the Treasurer's Reports and authorize payment of bills. Mr. Summers seconded the motion, with all voting Aye.

Municipal claims were filed against Best Specialty Foods, Duane Oakes and Craig Redden for nonpayment of the first quarter 2008 sewer user fees. Payments have been received from Best Specialty Foods, minus the lien filing and attorney feels. Once these fees are paid, the Solicitor will be notified to file the Order to Satisfy. Pulte has now paid the first quarter user fees for the model homes at Applecross, but payment has not been received for the second quarter fees as of this date.

Hydrogen Peroxide Feed Update

Mr. Boldaz stated that Mr. Piersol investigated purchasing a new meter, but in order to log the data needed (adding a digital recorder) it was Mr. Piersol's opinion that the cost would be prohibitive. The Board agreed with Mr. Piersol and ultimately, it was decided to have the current V-Rae meter refurbished.

At last month's meeting it was reported that Mr. Piersol had received two emails from residents complaining about Little Washington plant-related odors. In response to the complaints, Mr. Boldaz stated that dosing the Authority system from Guthriesville was increased to 2 ½ gallons per day, which is the maximum rate current equipment could handle. At this point he isn't sure of the impact, although Mrs. Smedley reported no new odor complaints since last month. Mr. Boldaz stated that he has directed Applied Water to take liquid samples to try and determine if the odor problems are coming from the Guthriesville sewer flows or from another source. He should have that data by next month. Mr. Boldaz suggested that if the hydrogen peroxide feed doesn't work the Authority and Aqua Resources will have to look into another approach.

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 four phases. The applicant received final plan approval, with conditions, for Phase 1 of the development on November 2, 2006. Plans for Phases II through IV were recently submitted. Mr. John Curtin and Mr. Jeremy Madaras attended the meeting on behalf of Pulte Homes.

CMX April 9, 2008 Review – Utility Plan Review and Pump Station B

Mr. Curtin stated that the applicant has received a copy of the review letter. Although he said that there was nothing major to discuss, Mr. Madaras was looking for clarity on several issues.

Profile notes

4. The vertical alignment of the sewer pipes should be removed to minimize proposed drops of 18" or less. Any changes in elevation across a manhole shall be such that the bench and channel will carry the proposed flow smoothly from flowline to flowline between the inlet and outlet pipes. Mr. Madaras stated that there were probably a dozen instances of dropped manholes and he said to comply with the comment could force the sewer deeper making maintenance problematic and construction very difficult. After some discussion it was determined that the drawings "made sense." Mr. Scarth clarified that manholes 18" or less should be brought in at grade.

Plan View Notes #6 and Profile Note #15

6. Plan CE-07T – A sewer line should be shown extending up along Bondsville Road to the existing Bondsville Road Pump Station. Adequate depth should be provided in MH B3 to accept the flow from the sewer system upstream of the pump station by gravity.
15. Plan CE-09C – Manhole B3 should be shown as a drop manhole with adequate depth of capture the flow from the Bondsville Pump Station via gravity flow.

Mr. Curtin stated that he thought the Bondsville Pump Station was an off-site improvement and should be reviewed separately from the Utility Plan. It appears that there is a difference of opinion regarding who will be financially responsible for the infrastructure to divert Guthriesville flows from the Little Washington Wastewater Treatment Plant to the Applecross Wastewater Treatment Plant. When discussions initially took place with Ray Grochowski from Pulte about this the Municipal Authority members understood that Pulte would pay for this diversion because Pulte needed the additional flows during the golf course "green-in" period. Although not a party to those discussions, Mr. Curtin does not think that Mr. Grochowski meant to represent that Pulte would pay all costs associated with diverting the flows.

Mr. Fred Ebert stated that Pulte is providing and paying for certain upgrades to Pump Station B including electrical, a backup generator sized and pump capacity increases in anticipation of the additional flows. He also stated that he believed that the Guthriesville flows wouldn't be diverted until at least 2010, so at least initially the developer did not have flows during the "green-in" period.

Mr. Ebert stated that the "green-in" period has started and Pulte is buying water to irrigate the golf course. It was noted during the discussions that the treatment plant opening is at least a year behind schedule and that will bring its completion date close

to when the flows will be diverted. Pulte currently has a pump and haul permit intended to be renewed until the treatment plant is opened. .

Mr. Curtin stated that there will be other developers using the wastewater treatment plant. He suggested that Pulte has the legal right to get some reimbursement/cost recovery on the Guthriesville flow diversion and he thinks this issue warrants further discussion.

Mr. Boldaz suggested that Pulte could use an alternate pump selection to handle future flows. Mr. Ebert stated that he would rather design the pump station once. Mr. Ebert should confirm that the depth of the manhole is appropriate to capture the Guthriesville flows via gravity. Mr. Kirkpatrick asked that Mr. Boldaz and Mr. Ebert discuss outstanding items with regard to the pump station. He also suggested that a cost estimate be provided for the Authority's review for the capital to accommodate flows from the Guthriesville pump station and via gravity to the proposed Applecross plant. Mr. Boldaz has not begun his formal review of Pump Station B plans, but intends to begin that this month.

CMX May 1, 2008 Review – Utility Plan Review and Yerkes Associates April 25, 2008 Review – Revised Irrigation Pump Building Plan Review

Mr. Curtin stated that they will comply with all comments raised in the Yerkes review letter. The CMX letter brought up one additional comment which stated that the types of locks and keying for the Irrigation Pump Station shall be approved by the Authority prior to hardware installation.

CMX May 12, 2008 Review – Engineering Design for the Overlook Road Farm WWTP

Mr. Ebert will provide plans for Yerkes to conduct a preliminary review of the plans and specification for the wastewater renovation facility and then will formally submit a building permit. Mr. Ebert would like to review the comments in this letter with Mr. Boldaz. He said that most of the comments would be simple to address, but he believes that some of the issues outlined in the letter have previously been resolved.

Escrow Release Request

Mr. Boldaz received a revised escrow sheet on May 8th. He stated that it still needs to be signed by a representative of Pulte. The escrow release request is for \$1,440,094.39 or 68% of the project has been completed. Mr Anthony made a motion to approve Escrow Release Request #1, pending a final review by the Municipal Authority. Mr. Summers seconded the motion, with all voting Aye.

Weaver Tract

The applicant is proposing to build 273 units (184 – 35 foot wide units and 89- 40 foot wide units). The subdivision is on a 140.458 acre lot located at the southeast corner of Bollinger Road and Horseshoe Pike. The lot is being developed under the R-3 Zoning District requirements per a settlement agreement. The Settlement Agreement with the Township was approved on November 2, 2006.

Sewage will be treated offsite in an SBR treatment plant (conceptually agreed to be the Pulte-constructed plant) and the treated effluent will either be disposed of on-site in subsurface disposal systems or off-site where the sewage is treated at the Applecross Wastewater Treatment Plant. Hydraterra Professionals and CMX Engineers are reviewing the sanitary sewer design.

Mr. Jim Flanagan, Area Vice President attended the meeting on behalf of K. Hovnanian.

Sewer Reservation Agreement

Mr. Flanagan stated that K. Hovnanian is committed to signing the Sewer Reservation Agreement and would provide a \$1.5 million letter of credit, the terms which are outlined in the Agreement. This will obligate K. Hovnanian to pay for their proportionate share of the plant. In light of the current building climate K. Hovnanian's plan to delay obtaining approvals until the end of 2009. During this time the applicant intends to review the plan and may make some changes to the model mixes and will incorporate some of the recommendation made by the Township professionals.

K. Hovnanian will withdraw the final plan that is currently being reviewed by the Township. A withdrawal letter was sent to the Township late last week. Mr. Flanagan stated that K. Hovnanian remains committed to building the community. The preliminary plan approval extends for five years from the date it was given.

Mr. Oeste has reviewed the Letter of Credit and has forwarded his comments to Michael Macaninch, Esq. One change suggested by Mr. Oeste is that withdrawals be permitted by mail since the LOC is through a bank in Tampa, Florida. The Agreement required payment within a seven year period.

Mr. Summers made a motion to approve signing the Sewer Connection and Reservation Agreement pending final review of the Letter of Credit by Mr. Oeste. Mr. Anthony seconded the motion, with all voting Aye.

Operations Maintenance Contract – Applied Water Management, Inc.

This contract outlines the terms and conditions for operation and maintenance of the Keats Glen Treatment Plant and the Hopewell Pump Station. Mr. Boldaz will send a letter discussing some of the maintenance concerns brought by Mr. VanLew. Although most of these issues are resolved, Mr. Boldaz stated that Mr. VanLew would continue to monitor the situation. Mr. Kirkpatrick asked if there any questions. There were none.

Mr. Summers made a motion approve signing the Agreement. Mr. Anthony seconded the motion, with all voting Aye.

Keats Glen/DCCC Treatment Plant

Aeration/Recoating Project

Mr. Boldaz stated that he has completed the technical specifications and is preparing the bid so that it can be advertised next week. Mr. Boldaz stated that he sent Pure-Stream, the manufacturer of the treatment plant, some pictures showing the plant coating defects to see if they could help with a recommendation for the type of coating to be used. Mr. Boldaz asked if the specification included resetting the front steps. Mr. Boldaz said that it didn't and he thought that Mr. VanLew would coordinate that work with his staff. It is expected that the work can be done this summer since this is the best time for completing maintenance projects; flows are lower as the Community College has a reduced schedule and it will be minimally disruptive to all users.

Watters Tract

At last week's Planning Commission meeting Mr. Piersol reported that Gambone Development has terminated their Agreement for the Watters property, according to Christine Kettlety, daughter of the property owner. The Municipal Authority wondered who had ownership of the preliminary plan approval. Ms. Kettlety is supposed to provide additional information to Mr. Piersol about this issue and Mr. Oeste will contact the developer's attorney about this question as well.

Hillendale

The Delaware River Basin Commission will hold a public hearing on the Hillendale Wastewater Treatment Plant on May 14th. The Municipal Authority has been asked to review the docket and provide comments if they so choose. Mr. Boldaz will review the information on behalf of the Authority and provide comments if they are needed. Mr. Kirkpatrick asked Mr. Boldaz to look at the discharge limits to make sure there are no discrepancies between the limits proposed in the new system, and the achievability of the limits given the proposed technology.

Guthriesville Sewer District Chapter 94 Report

Mr. Boldaz submitted the Chapter 94 Report on the Guthriesville Sewer District to the PA DEP on April 18th. He stated that there are typically no comments expected from the Department and that PADEP compiles this information in order to collect data regarding possible future overloads and the overall state of the conveyance system.

Act 537 Revision

The Authority discussed the need to revise the Township's Act 537 Plan. Mr. Boldaz stated that a revision of the entire plan could cost between \$30,000 and \$50,000 and could take two to ten years to complete. He also stated that the Authority could expect to receive 50% reimbursement from the State once the plan is adopted.

When revising the Act 537 plan the Township and Authority will need to look at the current sewage needs throughout the entire Township and determine and update which areas will be served by public sewer and which will continue to be served by on-lot systems. They will also need to look at areas which might have failing systems and address how those issues will be resolved. This is a planning tool that attempts to make long-range forecasts for development through the Township. Mr. Boldaz was asked to provide a proposal for a Plan of Study to be submitted to PADEP.

The Ordinance Task Force is currently updating the Township's Comprehensive Plan. As a result, updating the township's sewer planning process through a revised Act 537 plan seemed to the Board to be appropriate. Mr. Oeste stated that the Comprehensive Plan and the Act 537 plan need to be consistent and care should be taken to make sure that is done.

Mr. Summers made a motion to recommend the Board of Supervisors authorize a revision of the Act 537 Plan once the work on the Comprehensive Plan is complete. Mr. Anthony seconded the motion, with all voting Aye.

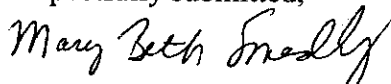
Public Comment on Non-Agenda Items

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

Adjournment

There being no further business, Mr. Summers moved to adjourn the meeting at 9:10 A.M. Mr. Anthony seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smiedley, Secretary/Treasurer