

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, August 12, 2008

7:30 AM

Those in Attendance:

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

Absent:

Michael Corbin, Chairman

Also in Attendance:

Scott T. Piersol, Township Manager
Thomas Oeste, Esq., Municipal Authority Solicitor
Joseph Boldaz, Municipal Authority Engineer
John Hammell, CMX Engineering
Matthew VanLew, Township Road Master
Jan C. Bednarchik, Assistant Secretary

The Municipal Authority met on Tuesday, August 12, 2008, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:30 AM.

Minutes: July 8, 2008

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

Treasurer's Report

Mrs. Bednarchik reviewed the Treasurer's Report and Account Balances as of August 8, 2008, and presented four invoices for payment. A municipal claim was filed against Craig Redden for nonpayment of the second quarter user fees. A Sheriff's Sale on the Redden property is scheduled for September 18, 2008.

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.

Connections Update

Mr. Piersol confirmed that Timothy Miller connected his property at 199 Hopewell Road to the Guthriesville Sewer System approximately ten days before the Authority meeting.

The only other properties remaining to be connected per the Guthriesville Special Study and approved plans are the yet to be built Wawa, the former Guthriesville Service Center, the existing Verma property, and the yet to be developed commercial lot between the hardware store and Guthriesville Plaza.

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 attended the meeting on behalf of Pulte Homes.

CMX July 28, 2008 – Pump Station G Meter Vault

CMX conducted a review of the shop drawings for Pump Station G for conformance to the East Brandywine Township Municipal Authority Water and Sewer Specifications and Details. The shop drawings pertained to Pikeland Submittal #8 for a motor operator fabricated floor stand and were approved as noted by Ebert Engineering, Inc., with no additional comments by CMX.

Pump Station B

Mr. Boldaz discussed the ongoing issue with the sizing of equipment at Pump Station B, which is currently designed to handle the flow from Guthriesville as well as the proposed K. Hovnanian property and the Watters project. Mr. Boldaz recommended withholding comments on the pump station until there is some degree of certainty about these future projects.

Mr. Curtin (Pulte) stated the current real estate market is the driving factor on how the pump station will be sized. Since it is his understanding that K. Hovnanian will not tie in to the sewer system soon and the home sales at Applecross are slow, Pulte has found that

the pump station isn't needed just yet and may need less capacity in the near future than was originally planned. Pulte may need to phase the size of the pump station and, perhaps, K. Hovnanian or a successor can upgrade the pump station when it is ready to connect, its project and Pulte might help finance the upgrade of the Guthriesville pump station at that time.

Mr. Boldaz stated the information he has received from Horizon Engineering so far is that the pump station appears to be deep enough for a gravity connection, but may need to be dropped by a foot or two to make sure that a gravity connection from Guthriesville to Pump Station B will be successful. There is a 6" force main in the ground right now with most of the flow projected to come from K. Hovnanian and the Guthriesville sewer district. The wet well, valve chambers, and the generator, which are sized for ultimate Pump Station buildout, are quite a bit more than what is needed for Pulte's first or second phase. If the wet well is constructed as originally sized, then there could be problems emptying it. Options to address this issue included decreasing the size of the wet well and pumps or installing a baffle to operate only "half" of the larger wet well and using smaller pumps that can be switched out later. Mr. Boldaz suggested the costs for the full size pumps and upgrading of the wet well could be charged to K. Hovnanian. Mr. Kirkpatrick asked Mr. Curtin to provide the Authority with a schedule of what he thinks the flow increases are going to be over the Pulte project buildout.

Mrs. Moser questioned whether the reservation agreement with K. Hovnanian addresses any financial issues with regard to upgrading the wet well or making other improvements to accommodate their flow requirements. Mr. Oeste replied the reservation agreement is for capacity only and does not address infrastructure improvement costs. However, he agreed this issue should be kept in mind during the Planning Commission plan approval process and attached as a condition of approval. The Authority requested that Mr. Boldaz draft a letter to K. Hovnanian putting them on notice now regarding their responsibility to upgrade the pumps at pump station B including cost-sharing, and forward the letter to Mr. Kirkpatrick for review and comment.

Pump & Haul at Pump Station A and Noise/Odor Complaints

Mr. Boldaz notified John Curtin yesterday via e-mail of the complaints received by the Township regarding noise and odors from the Aqua PA sewage hauling truck. Neighbors in the vicinity of Pump Station A have reported that the vehicle pumps on an irregular basis at all times during the day and night, and that the pumping operation emits loud noises and obnoxious odors.

Mr. Boldaz reviewed the Aqua Hauling Manifests and was unable to determine the exact times these pumping operations were conducted because the time was not entered on the manifest. Mr. Curtin was instructed to inform Aqua that pumping operations should be conducted during normal working hours only, except in the event of an emergency. In addition, the exact time of day (including AM or PM) and the site where the waste is

being hauled from (either Pump Station A or the Influent Pump Station) should be recorded on the manifest.

Mr. Curtin advised he has already had some discussion about these issues with the gentleman from Aqua, and he will be meeting with him next week. Mr. Piersol requested a copy of the referenced e-mail in order for him to relay the discussions to the complainants, Otto Frank and Stanley Lurcotte. Mr. Piersol has already explained to Mr. Frank and Mr. Lurcotte that the temporary pump and haul situation involves the collection of waste from the pump station wet well, which is currently operating as a holding tank, and then taken off-site for treatment and disposal. When sufficient waste is generated by the homes in that particular portion of the collection system, the waste will be pumped into a frac tank for storage, then emptied by a tank truck and taken to a treatment facility for processing and disposal until the wastewater treatment facility is constructed and operational.

Mr. Kirkpatrick questioned how many homes are currently connected to Pump Station A. Mr. Piersol replied there are approximately fifteen dwellings currently discharging into Pump Station A. Mr. Curtin noted that Lot #611 is scheduled for settlement tomorrow. Mr. Boldaz commented that the estimated flow of 4,000-5,000 gallons per day is not sufficient to operate the pump and suggested possibly reducing the size of the wet well so the wastewater is not contained too long.

Mrs. Bednarchik again requested Mr. Curtin's cooperation in providing advance notice of settlements occurring at Applecross in order for pro-rated invoices to be prepared for payment at settlement and to assure the billing records are kept up-to-date. Mr. Curtin promised to address this ongoing issue.

Nuisance Odors near Little Washington Road

Mr. Boldaz noted that the chemical application appears to be working as no additional odor complaints have been received, and commented that the operations personnel at Little Washington may be more attentive to keeping the odors down. Mr. VanLew reported that Aqua Pennsylvania had two of their tanks go septic, so they were spraying deodorizer constantly. He also reported that he removed the hydrogen sulfide meter because he was unable to clear the existing data. Mr. Boldaz felt that sufficient H₂S data had been recorded and that the meter was no longer necessary. Mr. VanLew will continue with the chemical treatment for the time being.

Keats Glen/DCCC Treatment Plant Re-Piping and Re-Coating Project

Mr. Boldaz reported the replacement of the aeration piping and repainting of the Keats Glen Sewage Treatment Plant was substantially completed as of the beginning of the month. An inspection of the tank after it was dewatered and prior to painting showed the existing coating of the tank was in very poor condition at and above the water surface, and the coating below the water surface was starting to deteriorate. Based on these

observations, it was determined that coating the entire tank would be the best option. CMX has prepared a comprehensive report with a daily log and photographs of the project. The painting crew began sandblasting the day after the last Authority meeting and started painting that weekend. Some blistering of the paint was detected on the chlorination bay, and the contractors were directed to remove the blistering and repaint the clarifier walls.

The contractor also began applying primer to the tank without completing all of the sandblasting, and rust starting showing through the paint a short time later. On the basis of sub-contractor performance, CMX found it necessary to spend additional time on site to make sure the contractor sandblasted again before reapplying the paint. As a result, CMX ran over budget on the inspections, and Mr. Hammell will determine the amount of the cost overrun. Mr. Boldaz has spoken to Pikeland Construction about how the Authority should be compensated for this additional oversight of their subcontractor. Also, the bid contract included funds for welding for tank repair and additional welding and bonding materials, but this work was not needed. Overall, the project was a success and everything is now stabilized and the treatment plant is back on line.

Pikeland Construction submitted pay application #1 in the amount of \$46,000 for substantial completion of the re-piping and re-coating project. By letter of 7/31/08, CMX recommended the pay request be approved with 10% retainage for a total payment of \$41,400. Mr. Boldaz concurred with the payment request and felt withholding \$8,000 until the final walk through and determination of who is going to pay for the extra inspection costs will be sufficient. Mr. Kirkpatrick moved to approve pay application #1 in the amount of \$41,400 to Pikeland Construction as recommended by the Authority Engineer and CMX. Mr. Summers seconded the motion with all voting Aye.

[8:30 AM – Mrs. Moser left at this time.]

Mr. Boldaz addressed the subject of how to document the amount of flow that Aqua Pennsylvania transferred from Keats Glen during the period of July 9 to July 18 and discharged into the manhole located adjacent to the firehouse parking lot. Mr. Boldaz spoke to Allen Roth at Aqua and determined that this transfer of sewage occurred three times. Mr. Roth will handle this matter internally, and the Authority's invoice for July should be equivalent to the average over the last six months. If the invoice from Aqua is much higher than normal, then Mr. Boldaz would suggest comparing the flows with the pumping logs kept by Mr. VanLew and the hauling manifests to determine a more accurate figure. Mr. Roth will be asked to include a note on the invoice explaining the significance of this one flow event for future reference.

K. Hovnanian Sewer Connection and Reservation Agreement

Mr. Oeste presented an amended Sewer Connection and Reservation Agreement with K. Hovnanian for its proposed development of the Weaver tract. The agreement was revised to remove Citibank as a signatory. Mr. Oeste advised there are no legal implications to

the revision since Citibank cannot release any funds or reduce the amount of the letter of credit except upon written approval of the Municipal Authority. Upon Mr. Oeste's comments and recommendation, Mr. Kirkpatrick moved to approve the amended Sewer Connection and Reservation Agreement with K. Hovnanian as recommended by the Authority Solicitor. Mr. Anthony seconded the motion with all voting Aye.

Act 537 Revision

Mr. Kirkpatrick, Mr. Piersol and Mr. Boldaz met with PaDEP representatives last month to discuss a revision to the Township's Act 537 Plan, last revised in April 1999, and, more specifically, to discuss the redirection of the Guthriesville sewer flows from Little Washington to the new East Brandywine Renovation Facility. Attendees from PaDEP included John Veneziale, Clinton Cleaver, Stefanie Yosmanovich, and Keith Dudley. DEP personnel indicated that redirection of the Guthriesville flows would need to be done through a Special Study or an update to the Act 537 Plan, but could not be done through the planning module process. Mr. Boldaz stated that Act 537 Plan Updates and Special Studies are eligible for 50% reimbursement. Mr. Kirkpatrick questioned whether the Authority should undertake the Special Study or an overall Act 537 Plan Update, and Mr. Boldaz replied that the Special Study is much quicker while the Update generally gets drawn out over a couple of years. If the Authority wants to move forward with Pump Station B, Mr. Boldaz suggested undertaking the Special Study immediately. The Authority may consider going back to Pulte to request a contribution toward the cost of the Special Study.

The subject of a holding tank ordinance was discussed, and Mr. Kirkpatrick asked whether the Township would be vulnerable or exposed in an unacceptable way without having a holding tank ordinance in place. Mr. Piersol noted the existence of one holding tank in the Township at 795 Creek Road, which he believes has some type of sand filter that discharges into the Brandywine. Mr. Oeste commented that holding tanks are supposed to be a temporary measure only until the property owner is able to connect to a public system or other acceptable means of disposal. The regulations used to be that DEP would not approve a holding tank without a holding tank ordinance. However, Mr. Oeste acknowledged the regulations changed a few years ago, and he is unsure what the current rules are regarding holding tanks. Mr. Boldaz commented there may be special circumstances where a property owner has no other alternative than to use a holding tank. Mr. Anthony questioned whether the Township could allow the use of holding tanks in certain circumstances without permitting them outright by ordinance. Mr. Oeste will research this matter and report back to the Authority.

Public Comment on Non-Agenda Items

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

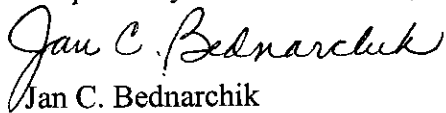
Executive Session

Mr. Anthony moved to enter into executive session at 8:50 AM to discuss some legal matters with regard to redirecting the Guthriesville flows. Mr. Summers seconded the motion with all voting Aye. The executive session ended at 9:06 AM.

Adjournment

There being no further business, Mr. Kirkpatrick moved to adjourn the meeting at 9:07 AM. Mr. Anthony seconded the motion with all voting Aye.

Respectfully submitted,



Jan C. Bednarchik
for Mary Beth Smedley, Secretary/Treasurer
East Brandywine Township