

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, September 9, 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
Justin Scarth, CMX Engineering
Matthew VanLew, Township Road Master
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, September 9, 2008, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:35 AM.

Minutes: August 12, 2008

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

Treasurer's Report

Mrs. Smedley reviewed the Treasurer's Report and Account Balances as of September 9, 2008, and presented the invoices for payment.

Delinquent notices for the third quarter user fees were mailed on September 4, 2008 to residents in the Keats Glen and Hopewell developments. Payments are due by October 4, 2008. Municipal claims will be filed against delinquent property owners if payments are not received by that date. Four municipal claims have been filed against Craig Redden, 13 Grovehill Court, and the total due to the Authority, including the current invoice for the third quarter is \$1,868.64. The outstanding fees were included in the Count Tax Claim Bureau's Advertising Sale List for the Upset Tax Sale on September 1, 1008 and a Sheriff's Sale on the Redden property is scheduled for September 18, 2008. The delinquent notice sent to Henrik Werring, 104 Bolero Drive, for the second quarter user

fees was unclaimed and sent again by first class mail. A municipal claim will be filed if payment on this account is not received by September 15, 2008.

Mrs. Moser made a motion to approve the Treasurer's Report and authorize payment of bills. Mr. Anthony seconded the motion with all voting Aye.

Mrs. Bednarchik has indicated that her request for advance notice of property transfers at Applecross is not resolved. She would like to prepare pro-rated invoices to be paid at the settlement table so that the payment due dates are consistent and to assure the customer list remains current. Mr. Curtin suggested that Pulte Homes prepare the invoices for settlement. Yesterday he sent a spreadsheet for Mrs. Bednarchick to review. Mrs. Bednarchik and Mr. Piersol have discussed this and prefer that the Authority be responsible for the billing.

Mr. Curtin stated that Pulte Homes has a procedure where they can provide the pro-rated bills to residents at the time of settlement. He said that he thinks this would be the most efficient way to provide homeowners with the sewer invoices. Mr. Piersol said that Mrs. Bednarchik and Mrs. King have been requesting information from Pulte for several months and it hasn't been provided to them; when information is provided, it is at times, inaccurate. In fact, Mrs. Bednarchick has two customers who will receive sewer bills for approximately six months of sewer service because she wasn't forwarded information on them. In addition, Mrs. Bednarchick provides each new customer with information regarding the billing process at the time of settlement. Without the Authority generating the bill, the customer won't receive that information for another three months. The Authority agreed that the bills should be generated by Mrs. Bednarchick to be given to the homeowners at settlement.

Mrs. Smedley will forward a letter to Pulte Homes stating that East Brandywine Township and the East Brandywine Township Municipal Authority expect the name(s), addresses, lot numbers and anticipated settlement date for new homeowners at least seven days in advance of settlement, or the Township will withhold issuance of the Use and Occupancy permit until such information is provided.

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 approved on August 20, 2008. Mr. John Curtin attended the meeting on behalf of Pulte Homes.

Mr. Boldaz reported that CMX has been reviewing shop drawings for the sewage treatment plant. As a result of that review, in the last 30-days, 5 review letters have been generated by CMX and provided to Pulte. He stated there are no outstanding issues that need action by the Authority at the present time.

Last month, Mr. Curtin was asked to provide an updated construction timeline for the sewage treatment plant. Mr. Curtin said that he and Mr. Boldaz discussed timing for the treatment plant and the market conditions and he expects the treatment plant to be operational by the spring of 2010; the spread sheet submitted in July of 2007 showing major milestones hasn't changed. Blasting of the rock has been completed. Other than some excavation of the site, construction of the sewer treatment plant will be ready to proceed. Mr. Curtin anticipates a ten to fourteen month build-out time for completion of the treatment plant.

Mr. Boldaz said that he has not given final approval for the design of the treatment plant. He is waiting for some information to be provided by Mr. Ebert. He expects to receive that information soon and thinks the final design issues will be resolved shortly.

Nuisance Odors near Little Washington Road

Mr. Piersol reported that he received an email from Cindy Ziegler at 188 Chapel Court complaining about odors for the past six weeks from a "pond" near her home. The Municipal Authority has been monitoring this situation for over a year and this is the first complaint received in several months. According to Mrs. Ziegler's e-mail, the odors start daily around 6:30 A.M. and last until 8:00 A.M. and start again about 7:30 P.M. and last until 9:30 P.M. Mr. Piersol said that there is an aesthetic pond behind Mrs. Ziegler's home, but he thinks she is more likely referring to the equalization tanks at the sewage treatment plant. If odors were emanating from the pond she would likely notice it all day, not just at certain times.

Mr. Boldaz commented that although the addition of hydrogen peroxide into the wet well has helped abate the odor problem, the odors may still be coming from the Bondsville pump station. According to Mr. Boldaz, hydrogen sulfide is still detected in the area at elevated concentrations. He stated that additional chemicals, or possibly a scrubbing system might help if the odors are from the Guthriesville collection system and

Bondsville Road pumping station. Mr. Piersol asked if there is definitive proof that the odors can be attributed to the Bondsville Pump Station. Mr. Boldaz stated that identifying odor sources is very difficult, but the concentration of hydrogen sulfite levels detected from the Bondsville Pump Station was higher than the levels from the Timbers development.

The Authority thought that, as a result of Aqua-Pennsylvania's request for a rate increase, the Public Utility Commission asked that an odor study be completed. Mr. Boldaz will contact Alan Roth at Aqua Pennsylvania to see if this has been done and will try and obtain a copy. Mrs. Smedley will contact other nearby residents who have complained of odors in the past to determine if they are still experiencing problems. Mr. VanLew remarked that at one point Aqua was providing misting to help alleviate the odor problems, but he hasn't noticed its use recently.

Mr. VanLew reported that the meters have been calibrated at the Bondsville Pump Station. He should receive a report shortly and will forward a copy to Mr. Boldaz for the Chapter 94 Report and to Aqua Pennsylvania for their files.

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

At last month's Authority meeting it was reported that the contractor began applying primer to the tank without completing all of the sandblasting, and rust started showing through the paint a short time later. On the basis of sub-contractor performance, CMX found it necessary to spend additional unplanned time on site to make sure the contractor sandblasted again before reapplying the paint. As a result, CMX ran over budget on the inspections. Mr. Hammell was to determine the amount of the cost overrun. Mr. Boldaz spoke to Pikeland Construction about how the Authority should be compensated for this additional oversight of their subcontractor. Mr. Scarth reported that after discussions with the contractor they have offered an approximately 75% credit for the additional inspection fees. The Authority agreed that was fair compensation.

Mr. Boldaz stated that the project is essentially complete. Pikeland was to secure the comminutor last Friday and then will submit their final paper work.

While the treatment plant was off-line the operator indicated that at one point a mechanical mixer was replaced with an aerator, which introduced oxygen into the system (the system should not have oxygen injected directly into the tanks). He suggested that we replace this equipment, particularly since the new NPDES permit requires the operator to monitor and report nitrogen levels. Mr. Boldaz will investigate costs for this, but thinks it will be will less than \$5,000. Mr. Boldaz also stated that six sacrificial cathodic weights were added to protect the tank from corrosion.

Act 537 Revision

Mr. Boldaz sent Mr. Corbin and Mr. Kirkpatrick a draft proposal for the professional services needed to prepare an Act 537 Sewerage facilities Plan, Special Study. The focus of the Study will be to reroute the sewerage from the Little Washington Wastewater Treatment Facility to the East Brandywine Township Renovation Facility. Mr. Boldaz stated that the Authority needs to decide what parcels should be included in the Special Study. Mrs. Smedley will schedule a meeting with the Board of Supervisors and the Municipal Authority to discuss this. Mr. Boldaz will send a copy of the draft proposal to the other Authority members for their review and comments.

Mr. Boldaz mentioned that Act 537 Plan Updates and Special Studies are eligible for 50% reimbursement. The Authority may consider going back to developers in the Township to request a contribution toward the cost for updating the Plan.

Holding Tank Ordinance

Mr. Oeste and Mr. Boldaz will research information on Holding Tank Ordinances and provide a draft Ordinance for the Board of Supervisors and the Municipal Authority to review. 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. Mrs. Smedley will investigate whether this proposed Ordinance should be reviewed by the Ordinance Task Force, or whether it can simply be presented to the Board of Supervisors for their consideration and Commission adoption as appropriate.

Hillendale – Sewerage WQM Permit No. 1507406

The permit was received from PADEP on August 20, 2008. Mr. Boldaz will review the permit on behalf of the Authority to ensure there are no omissions or errors. Mr. Boldaz said that the groundwater monitoring obligations are substantial. Mr. Kirkpatrick asked if the Discharge limitations for nitrogen were typical (Average Monthly 10 mg/l). Mr. Boldaz said the limitations were PA DEP standard.

Authorization for Applied Water Management to Execute the Monthly Discharge Monitoring Report

The National Pollutant Discharge Elimination System permit requires that the monthly Discharge Monitoring Report be signed by an officer or other ranking executive in the Municipal Authority or by an authorized representative. Mr. Thomas Czop from American Water provided a form for the Authority to execute authorizing American Water to complete the Discharge Monitoring Report. This continues the process already in place, but procedurally allows American Water to complete their files. Mr. Kirkpatrick will sign the authorization on behalf of the Authority.

2009 Budget

Mr. Summers stated that he and Mrs. Smedley will begin working on a draft budget for 2009. He said that if there were any large expenditures or maintenance costs anticipated by the Authority, Mr. Oeste or Mr. Boldaz they should let him know at their earliest convenience.

Public Comment on Non-Agenda Items

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

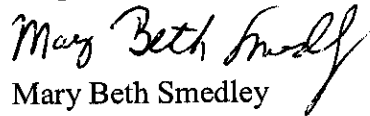
Executive Session

Mr. Summers moved to enter into executive session at 8:35 AM to discuss legal matters. Mr. Anthony seconded the motion with all voting Aye. The executive session ended at 9:30 AM.

Adjournment

There being no further business, Mr. Kirkpatrick moved to adjourn the meeting at 9:30 AM. Mrs. Moser seconded the motion with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township