

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, October 14, 2008
7:30 A.M.

Those in Attendance:

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

Also in Attendance:

Scott T. Piersol, Township Manager
Thomas Oeste, Esq., Municipal Authority Solicitor
Joseph Boldaz, Municipal Authority Engineer
John Hammell, CMX Engineering
Justin Scarth, CMX Engineering
Matthew VanLew, Township Road Master
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, October 14, 2008, at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:30 A.M.

Minutes: September 9, 2008 and September 24, 2008

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

Treasurer's Report

Mrs. Smedley reviewed the Treasurer's Report and Account Balances as of October 13, 2008, and presented the invoices for payment.

Third quarter user fees remain unpaid from Brian McAnally and Henrik Werring. Municipal claims will be filed within the next week if these accounts remain unpaid. A delinquent notice was sent to Craig Sauler on October 7, 2008 for nonpayment of prorated user fees for the 2nd and 3rd quarters of 2008. A municipal claim will be filed if payment isn't received by November 5, 2008.

The Redden property at 13 Grovehill Court was sold at Sheriff's Sale on September 18, 2008 to the mortgage lender. We are awaiting a schedule of distribution from the Sheriff's office indicating the amount to be paid to the Authority on its claims.

Invoices for the 4th quarter of 2008 were mailed on October 1, 2008.

Revenue projections for 2009 were provided to Mr. Summers.

Since the last Authority meeting communication with Pulte Homes has improved. Pulte Closing Services has been providing Mrs. Bednarchick with advance notice of property transfers at Applecross. Pro-rated invoices are prepared and faxed to them for payment at the settlement table. So far, this is working out very well.

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.

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.

Pump and Haul Permit

Last Thursday Mr. Boldaz met with representatives from Pulte Homes and Aqua Pennsylvania (Aqua PA) to discuss the pump and haul permit. Mr. Boldaz reported that Aqua PA agreed that the pump and haul manifests would be forwarded to him on a weekly basis. He expects to receive the first manifests by mail, tomorrow. The manifests will include specific information on when the auto-dialer, which provides notification of an overflow condition is checked, and the hours of operation for pumping the effluent.

Mr. Piersol reported that at approximately 7:15 P.M. on Saturday evening one of Aqua PA's trucks was pumping effluent from the manhole at Bolero Drive. Although he could hear the truck, he stated that it didn't appear to be excessively loud.

Mr. Boldaz stated that Pulte continues to make progress with construction of the pump station. The foundation and footers are installed and Pulte expects to start installing block next week. With regard to placement of the frac tanks, Mr. Boldaz is suggesting that the tank near Pump Station A remain in place, at least for the foreseeable future. This will allow for two points for pumping and hauling and will likely minimize potential odors.

In the original design the generator exhaust system for the pump station was directed toward a residence on Zynn Road. Mr. Boldaz has asked that it be re-positioned so that the exhaust is directed towards Zynn Road, to the extent possible. This should reduce the noise that could be an irritant to surrounding property owners. He also reported that Pulte will update the muffler system. The location of the air cooler exhaust can't be changed since this would necessitate major revisions to the plans which would be time-consuming and costly. The generator will run once a week, for maintenance purposes, for approximately ½ hour. If there are complaints from residents about the time of operation the treatment plant operator may consider changing it so that it causes the least amount of disruption.

Shop Drawings

CMX continues to review shop drawings for the wastewater renovation facility. Mr. Boldaz asked if the Authority would like to have copies of the specific comment letters and drawings, or would they rather they simply be added to the file. For the standard approval letter Authority members would prefer they be filed, but would like to be copied if there are issues that need their attention or input. Mr. Boldaz will ask the applicant if they can provide the drawings on a DVD so they can be easily stored and searched electronically.

Nuisance Odors near Little Washington Road

After last month's meeting Mrs. Smedley contacted several residents in the Culbertson Run and Timbers developments to determine if they continued to be bothered by nuisance odors. Most residents reported that they were still bothered by odors. Several residents said that the odors were not as noticeable in the beginning of the summer, but recently they have worsened.

Mr. Corbin and Mr. Kirkpatrick recalled seeing a PUC draft Agreement that required Aqua Pennsylvania, as a condition of their rate increase request, to perform an odor study and meet with concerned residents. Mr. Boldaz will try to obtain a copy of the document through the Public Utility Commission or from the resident who first brought this to the Authority's attention. They thought the document was generated around August of 2007.

One resident suggested that odors might be coming from a retention pond in the vicinity of Yellowwood Drive. Mr. Boldaz visited the site and noted that the water was stagnant. He said some of the odors might be coming from the pond. Mr. Piersol said that there is

a feeder from the Culbertson Run that is designed to help turn over the pond seasonally to prevent this, but it may not be working properly.

Since cooler weather is forthcoming, the odor complaints should lessen. The Authority will continue to add hydrogen peroxide to the wet well, since this does seem to offer some relief. In addition, Mr. Boldaz will investigate whether Aqua Pennsylvania has any further obligation per the Public Utility Commission Agreement to help mitigate the odors.

Proposal for Act 537, Special Study

Mr. Boldaz provided a revised Act 537 update proposal for the Authority to review. The focus of the Study will be the methods and procedures needed to evaluate rerouting the sewerage from the Little Washington Wastewater Treatment Facility to the East Brandywine Township Renovation Facility. Areas that will be considered in the Special Study include the Village of Guthriesville Master Plan Area, the Watters Tract, the Brandywine Village Shopping Center, Keller Way and the Brandywine Wallace Elementary School.

Mr. Boldaz said that Pulte does not want to build Pump Station B at the present time because of the uncertainty and slow sales in the real estate market and K. Hovnanian's decision to push back submission of their revised final plan. This may also affect sizing of the treatment plant. If Pump Station B isn't constructed it may necessitate modifications to the Bondsville Road Pump Station in order to convey the effluent from the Guthriesville Sewer District to the Pulte Wastewater Treatment Plant. This will need to be considered in the Special Study.

Mr. Piersol reported that he and Supervisor Jay Fischer have met with representatives of the Downingtown Area School District, who are interested in purchasing property in East Brandywine Township for a middle school. Any decisions regarding a location for the school may also change the scope of the Study.

The projected cost for the Act 537 update study is \$26,500.00. Once completed, the Township is eligible for reimbursement of 50% of the costs of the Study by PADEP. In addition, some of the costs may be reimbursed by developers. Mrs. Smedley asked that this be set up as a separate project for billing purposes.

Mr. Corbin asked if there were any questions. There were no questions. Mr. Corbin made a motion to approve the October 9, 2008 proposal from Hydraterra Professionals to prepare the Act 537 Special Study on behalf of East Brandywine Township. Mr. Kirkpatrick seconded the motion, with all voting Aye. Mr. Piersol will provide a letter authorizing Hydraterra Professionals to perform this work for East Brandywine Township.

Holding Tank Resolution

Mr. Oeste has an initial draft that he will forward to the Authority to review. He stated he prepared this as a Resolution for the Authority to pass since they will be the enforcing body. Mr. Piersol stated that PADEP may have certain regulations about buffering holding tanks based on their size, at least for commercial use. Mr. Oeste will investigate this.

Hillendale – Sewerage WQM Permit No. 1507406

The draft permit was received from PADEP on August 20, 2008. In a letter dated September 18, 2008 Mr. Boldaz sent to PADEP outlining several suggestions and concerns with regard to the permit. One item of particular concern relates to the groundwater monitoring provisions. He also followed up via phone and to date, he had not heard a response from PADEP. He will continue to try and contact Jennifer Fields at PADEP so that his suggestions can be considered prior to final issuance of the permit.

Wawa – Sanitary Sewer Review

Hydraterra Professionals received a comment letter and Final Land Development Plan sheets, as submitted by Nave Newell. The letter from Nave Newell, dated September 26, 2008 is in response to a letter submitted to Wawa by CMX on November 27, 2007. Mr. Boldaz reported that no major changes were needed and that with minor modifications the plans were in order.

K. Hovnanian – Sewer Connection and Pump Station B

Recently, K. Hovnanian entered into a Sewer Connection and Reservation Agreement with East Brandywine Township and the East Brandywine Township Municipal Authority. The agreement set the basis for the reservation of capacity and the amount and the cost for the reserved capacity within the East Brandywine Township Wastewater Renovation Facility.

In a letter dated September 15, 2008 Mr. Boldaz informed Michael Macaninch, Division Counsel for K. Hovnanian that, according to the approved Planning Module for the Weaver Tract, K. Hovnanian must utilize Pumping Station B to convey wastewater from the Weaver Tract to the sewer plant. In order to proceed, K. Hovnanian must pay its proportional share of the cost of the design and construction of Pumping Station B. This letter notified K. Hovnanian of the need to participate in the cost sharing. Mr. Macaninch has acknowledged receipt of the letter and will contact Pulte Homes about the cost sharing.

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

Mr. Boldaz reported that the project is complete. He went on to say that overall he was very pleased with the quality of work performed by Pikeland Construction. He is recommending that the Authority authorize final payment to Pikeland pending a final review by Mr. Oeste of the Maintenance Bonds, Certification of Substantial Completion and Application and Certificate of Payment. The Authority authorized payment pending the review.

Executive Session

Mr. Corbin asked Mrs. Smedley to schedule an Executive Session to discuss legal issues related to project construction cost negotiations, identifying sources and specific treatment facilities of township-related sewer flows, and other matters.

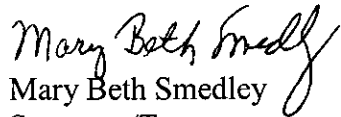
Public Comment on Non-Agenda Items

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 8:35 A.M. Mrs. Moser seconded the motion with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township