

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, December 9, 2008
7:30 A.M.

Those in Attendance:

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

Absent:

Michael Corbin, Chairman

Also in Attendance:

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, December 9, 2008, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:35 A.M. There were ten visitors from the public present.

Minutes: October 14, 2008

Mr. Kirkpatrick stated that the November 11, 2008 Municipal Authority meeting was cancelled due to the lack of a quorum. Mr. Kirkpatrick asked if there were any additions or corrections to the October 14, 2008 minutes. There were none. Mr. Anthony moved 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 December, 2008, and presented the invoices for payment.

Delinquent notices for nonpayment of the 4th quarter user fees were sent on December 2, 2008 to the following customers: Pulte Homes, Timothy Miller, Susan Wolff, Carol Schmidt, Erick Santijanna, Duane Oakes, Stephen Lundmark, Henrik Werring, Richard Lesch, Luo Hong, Brandon Benner, Thomas Mazza, Brian McAnally, Tom Slate, and to the attorney involved in the purchase of the Redden property at Sheriff's Sale. Since that date payment has been received from Pulte Homes. The number of delinquent accounts is noticeably higher than usual.

On November 7, 2008 Timothy Miller remitted payment of the pro-rated user fees for the third quarter, minus the late fees, to avoid filing of a municipal claim.

There are currently two municipal claims filed: one against Henrik Werring and one against Brian McAnally. Mr. Werring has not paid any user fees at all since his settlement date on March 28, 2008. Mr. Kirkpatrick asked Mr. Oeste to send Mr. Werring a letter inquiring about his delinquent account and reminding him that the Municipal Authority has placed a lien on his property.

Five new Applecross customers were added to the sewer system in November bringing the total number of Applecross customers to 81. This total includes 14 model homes billed to Pulte. Mrs. Bednarchick reported that communication with Pulte has greatly improved, and we are receiving advance notice on upcoming settlements.

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

Applecross Development (AKA Overlook Road Farm)

Mr. Craig Sullivan, Mr. Sam Carlo and Mr. Jeremy Madaras attended the meeting on behalf of Pulte Homes. Mr. Sullivan introduced Mr. Carlo, a Land Development Manager at Pulte who will be the Authority's point of contact, replacing John Curtin. Mr. Carlo currently works out of Pulte's Trevoise office, located in Montgomery County. Mr. Kirkpatrick asked if he was working on other projects in the area. Mr. Carlo reported that he has several ongoing projects in the Lehigh Valley for Pulte.

Mr. Boldaz said that in the past there have been monthly construction meetings so that all parties can be kept abreast of ongoing issues with regard to sewer construction. He would like to make sure those meetings continue. Mr. Carlo agrees that the meetings were appropriate and that he would like to continue the meetings as well, as long as enough development activity occurred to warrant the time.

Mr. Sullivan reported that there has been a recent problem at Pump Station A. Apparently, grit from Pulte construction activities has gotten into the sewer system and collected within the pump station wetwell causing pumping and alarm problems. Aqua Pennsylvania has had to pump the wetwell down completely in order to make the necessary repairs. Mr. Sullivan said that Pulte is trying to be proactive and will pump out the wet well on a regular schedule -- every two weeks to start. He also said that the Pump Station should be fully operational by January of next year.

Mr. Boldaz remarked that he still isn't receiving the pump and haul manifests from Aqua on a timely basis. Mr. Boldaz had asked for these manifests to be forwarded to him weekly, but he is receiving them sporadically, at best. Mr. Sullivan said that Pulte is looking for a new vendor at the moment, in part, to correct that problem. Mr. Boldaz

stated that he will keep in touch with Mr. Sullivan and Mr. Carlo with regard to the pump and haul situation.

Mr. Kirkpatrick commented that the Township continues to get some comments about trash, noise and odors at the development and pump station. He hoped that these issues can be resolved in a timely manner. Mr. Sullivan stated that he will continue to monitor these complaints and react as quickly as appropriate.

Nuisance Odors near Little Washington Road

Mrs. Smedley reported that the Township hasn't received odor complaints from residents in the past month. Mr. Kirkpatrick asked Mr. Boldaz to follow-up with Aqua Pennsylvania regarding the last Discharge Monitoring Reports, which indicated an exceedance in the nitrate levels for the past two months. Mr. Boldaz stated that the Little Washington Wastewater Treatment Plant reported some equipment failure in November and he will investigate to see if this was the reason and has been resolved.

Holding Tank Ordinance

Mr. Oeste provided a revised draft ordinance for the Authority to review. Within the past few days, Mr. Piersol reviewed the document and provided Mr. Oeste with his comments. Mr. Oeste will incorporate these comments into the document and forward to Authority members. It was also suggested that larger septage haulers be encouraged to provide the Township with pump and haul logs electronically, although the Authority understands that this may not be practicable for haulers serving an occasional, single residence or smaller hauling companies. Mr. Kirkpatrick recommended that the Authority review the revised document and it can be considered for advertisement at the January meeting and final adoption at the February Authority meeting.

Hillendale – Sewerage WQM Permit No. 1507406

The permit was received from PADEP on August 20, 2008. In a letter dated September 18, 2008 and sent to PADEP, Mr. Boldaz outlined several suggestions and concerns with regard to the permit. One item of particular concern relates to the overly-broad nature of the groundwater monitoring provisions of the permit. In a letter dated December 3, 2008 Jenifer Fields from PADEP addressed Mr. Boldaz's concerns. Mr. Boldaz anticipates that PADEP will not issue a revised permit. Parameters discussed in the August 20th permit will remain.

Mr. Jack Loew, Mr. Tim Townes, and Mr. Earl Cooke from Southdown Homes attended the meeting to discuss rerouting of the potable water line from Aqua PA. Mr. Townes explained that Southdown is proposing to reroute the water line because it has come to their attention that a small sliver of property in the creek bed is owned by a specific property owner and that obtaining an easement over that property would likely be difficult. Mr. Townes provided a plan showing the rerouted line originating on

Longfields Way in Uwchlan Township, going through the Kapansky property in East Brandywine Township, where the applicant has obtained an easement, continuing under the East Branch of the Brandywine Creek, under Rt. 282 and onto the Hillendale property. Mr. Townes stated that the only environmental impact remains boring under the stream; the line sizing remains and same as does the delivery line rates and pressure. The fire flow rates remain at 1,000 gallons per minute

Mr. Boldaz pointed out that the boring was not the only environmental impact. The water line is proposed to be installed by an open cut method, up some steep slope areas and erosion was of concern.

Mrs. Moser asked if there would be additional tree removal of the site. She is concerned that trees be protected and that there is no negative environmental impact to the creek. Mr. Cooke stated that two or three Poplar trees may need to be removed and some scrub pine trees. Mr. Boldaz and Mr. Cook will walk the site to make sure there are no additional environmental impacts. Mr. Cook said that the routing line is already staked. In addition, the Chester County Conservation District will need to review and approve the revised plan.

Mr. Boldaz would like to have a meeting at the site with the boring contractor, once one is chosen. Mr. Boldaz will verify with Aqua and their model that the change in routing will not result in major changes with regard to fire flow or pressure. He said that he will contact Joe Irwanger at Aqua PA to discuss the changes in the model and outputs from the model.

In a memo dated December 4, 2008 Mr. Boldaz provided a status report on information he still needs to approve with regard to the wastewater treatment plans, the pump station and the Land Development Plan. In addition, there are several agreements that still need to be reviewed and approved. Mr. Oeste asked that the most recent revisions of the Agreements be forwarded to him and Mr. Boldaz electronically as MS Word documents so that he is sure he has the latest revisions.

Trethewey Property Sewer Connection

Mr. Ted Trethewey, Mr. Jeff Miller and Mr. Andrew DeFonzo attended the meeting to discuss connecting the Trethewey property at 1220 Horseshoe Pike. Mr. Miller provided three options and cost estimates, depending on the routing.

Option 1 -- Gravity Collection and Conveyance System and Pump Station Replacement

This alternative described the construction of a gravity collection and conveyance system consisting of pre-cast concrete manholes and 8" sanitary sewer pipe within the rear yard easement. The current pump station serving the East Brandywine Township maintenance building would be replaced with one suitable for 6 EDU's. The new pump station would

connect to the existing force main discharging to the Township's gravity sanitary sewer system. The estimated cost for construction is \$114,730.00.

Option 2 -- Proposed Low Pressure Sewer System

This alternative discussed the design basis to construct a low pressure sewer system utilizing grinder pumps and a common force main for each property. The common force main would be connected to the existing force main at the East Brandywine Township maintenance building. No gravity sewers and no pump upgrades are included in this alternative. The estimated cost for construction is \$82,995.00.

Option 3 -- Gravity Collection and Conveyance System

This alternative discussed the design to construct a gravity collection and conveyance system consisting of pre-cast concrete manholes and 8" sanitary sewer pipe within the PennDOT right-of-way of Horseshoe Pike (SR 322). The system would then be connected to the East Brandywine Township gravity sanitary sewer system. The estimated construction cost is \$170,000.

Mr. Miller explained that these costs were rough estimates with many variables to consider, especially since there is a great deal of rock in the area. The Township and surrounding developments encountered rock during construction; blasting during construction was required.

Tying into the sewer system in the roadway would necessitate closing Rt. 322 for a length of time, causing considerable traffic delay and is also the most expensive option for the developer. The low pressure alternative would be the least expensive option, but property owners west of Trethewey would each need to connect via a grinder pump which they would have to maintain and could eventually result in recurring maintenance issues and problems. Regardless of which alternative is selected, residents will need to provide Authority easements and if the low pressure sewer system is selected there will be a requirement for a maintenance agreement for each homeowner. A gravity sewer line run to the rear of the properties would allow for a gravity connection either through the Weaver property or individual easements, but may be the most expensive option for the residents. All options will require the property owners to pay for their own connections, which they might not want to do. Mr. Miller believes that all five homes are currently served by cesspools. If the properties were to connect to the Township pump station and force main the Township may require an escrow or other means of financial security to pay for their share of maintaining the pump station and force main.

Mr. Miller stated that they would like to get an idea from the Authority which option they prefer. He understands that any option will need to be discussed with the neighboring property owners to see if they are interested in connecting to the sewer system and will also require fully engineered plans.

Mr. VanLew said that when this connection was first discussed with the Board of Supervisors they preferred that all five homes connect to the sewer system along Rt. 322. There is some concern about setting a precedent by allowing property owners to connect to the sewer system via Township property.

Mr. Oeste was asked if the Authority could require the residents to connect to the sewer system. He replied that the Authority could do that by Ordinance. Another option would be to provide a stub to the sewer line so that property owners would have the option to connect now or sometime in the future.

After review of the options, the Authority suggested that the applicant continue to investigate the two options in the rear of the properties. Mr. Miller said they would look at those two options and contact the Authority once he had further information.

Mr. VanLew recommended that if the Trethewey property had a commercial kitchen they be required to install a grease trap that is covered by a maintenance agreement so that it is pumped out periodically. The agreement should also state that the applicant will comply with all applicable Township and Municipal Authority Ordinances.

Act 537 Plan

Mr. Kirkpatrick informed the Authority members that in correspondence dated November 24, 2008 PADEP had approved the proposed plan of study submitted by Mr. Boldaz. This plan of study will perform a special study to determine the viability of diverting the sanitary sewage flow from the Little Washington Wastewater Treatment to the Applecross Wastewater Treatment Plant as well as reevaluating the routing of a portion of the collection/conveyance system associated with the previously approved Applecross and K. Hovnanian developments. Mr. Boldaz stated that he would contact PADEP to see if the Trethewey property and the four other homes west of that property can be included in the study. If they can, Mr. Miller will provide information for inclusion of those properties.

2009 Budget

Mr. Summers provided the final 2009 budget for the Authority to review. He stated that he has budgeted \$25,000 for improvements to the Keats Glen Plant and that Mrs. Smedley will set up two separate sinking funds in the amount of \$10,000 each, one for the Keats Glen Treatment Plant and one for the Guthriesville Sewer District. Sewer fees will not increase in 2009 for any of the sewer areas, but those rates will be revisited in 2010. Mrs. Bednarchick will send a notice to residents regarding the rates (no change) in the next billing cycle.

In correspondence dated November 26, 2008, Mr. Boldaz discussed the possible need to update the Keats Glen Treatment Plant so that it meets PADEP requirements for Biological Nutrient Removal of phosphorous and nitrogen. He stated that costs could

exceed \$30,000. Mr. Boldaz went on to comment that the potential exists, on a temporary basis, to install a recessed impeller, vortex-type solids handling pump in the anoxic zone of the system's mixing basin (currently the system is using an aerator that introduces unwanted oxygen into the tank). The rental of a vortex-based mechanical pump would be approximately \$1,500.00; however additional design and some other changes may be required even if the trial period of the pump is successful. After review of the correspondence the Authority authorized Mr. Boldaz to rent and experiment with the mechanical vortex pump.

Mr. Kirkpatrick asked if there were any other comments on the 2009 Budget. There were no other comments. Mr. Anthony made a motion to approve the 2009 budget. Mr. Kirkpatrick seconded the motion, with all voting Aye. The Authority thanked Mr. Summers for all his hard work on the budget this year.

Reappointment of Municipal Authority Solicitor and Engineers for 2009

Mr. Kirkpatrick made a motion to reappoint Thomas Oeste, Esq. as Municipal Authority Solicitor for 2009, Joseph Boldaz, P.E. as Municipal Authority Engineer and CMX as adjunct Authority Engineer for 2009. Mr. Anthony seconded the motion, with all voting Aye.

Reappointment of Joseph Anthony to the Municipal Authority

Mr. Summers made a motion to recommend that the Board of Supervisors re-appoint Mr. Anthony to an additional 5 year term on the Municipal Authority. Mrs. Moser seconded the motion, with all voting Aye.

Appointment of Municipal Authority Officers

Mr. Kirkpatrick motioned to reappoint Michael Corbin as Chairman, Gerald Kirkpatrick as Vice-Chairman, David Summers as Treasurer and Joseph Anthony as Secretary of the East Brandywine Township Municipal Authority for 2009. Mr. Summers seconded the motion, with all voting Aye.

Public Comment on Non-Agenda Items

Mr. Kirkpatrick asked 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 9:05 A.M. Mrs. Moser seconded the motion with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township