

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, January 13, 2009

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 Hammel, CMX Engineering
Justin Scarth, CMX Engineering
Matthew VanLew, Township Road Master
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, January 13, 2009, at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:30 A.M. There were no visitors from the public present.

Minutes: December 9, 2008

Mr. Corbin asked if there were any additions or corrections to the December 9, 2008 minutes. There were none. Mr. Kirkpatrick 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 January 12, 2009 and presented the invoices for payment.

Payment of the fourth quarter user fees have been received from Timothy Miller, Stephen Landmark, Duane Oakes, Erick Santijanna, Tom Slate, Thomas Mazza, Susan Wolff, and Richard Lesch. Mrs. Bednarchick reported that we are still awaiting payment from Brandon Benner, Brian McAnally, Carol Schmidt, Luo Hong, Henrik Werring and the former Redden property. Seven of the certified letters delivered to the addressees were unclaimed, and the delinquent notices were mailed again by first class mail. Municipal claims will be filed if payment is not received by January 12, 2009

There are currently two municipal claims filed: One against Henrik Werring (Applecross) and one against Brian McAnally (Keats Glen). Mr. Werring has not paid any user fees at all since his settlement date on March 29, 2008. Duane Oakes (Hopewell) had previously paid the user fee portion of the municipal claim filed against him for the first quarter of 2008, and has now paid the attorney and filing fees that remained on his account. An Order to Satisfy will be filed as soon as the check has cleared.

The Authority is still awaiting for a schedule of distribution from the Sheriff's office on the sale of the Redden property at 13 Grovehill Court, which occurred on September 18, 2008. Invoices are being sent to the attorney for the bank, but no payments have been received to date. The total balance due, including the current invoice for the first quarter of 2009, is \$2,256.46.

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.

Applecross Development (AKA Overlook Road Farm)

Pump and Haul Manifests – At last month's meeting Mr. Boldaz mentioned that he hasn't received pump and haul manifests from Aqua Pennsylvania on a timely basis. At this meeting he reported that he is now receiving the manifests on a regular basis.

Pump and Haul Extension – According to Mr. Boldaz, the Applecross Pump and Haul Permit expires on January 31, 2009. He expects to address this within the next few days. Mr. Fred Ebert will prepare the request and Mrs. Smedley will send a letter to PADEP formally requesting the pump and haul extension.

Wastewater Treatment Plant Review – Mr. Boldaz received preliminary drawings of the treatment plant in the beginning of November for this review. Mr. Boldaz has been in touch with Yerkes regarding the code review of the plant. He plans to discuss the classification of the building with Township Engineer Al Giannantonio. Mr. Boldaz will discuss any outstanding comments with CMX and expects that CXM might have a letter prepared for the Municipal Authority to review within the next week.

Golf Course Irrigation – Mr. Piersol reported that Craig Sullivan from Pulte Homes contacted him about discussions he has had with Aqua Pennsylvania about the purchase of bulk water for irrigation of the golf course. Rather than purchasing water from Aqua, Craig thought that they could draw water from the dam owned by the Chester County Water Resource Authority, use the Kay Wells, or possibly drill a well on the property. Mr. Piersol stated that he thought the Settlement Agreement specifically prohibited use of the Kay Wells for irrigating the golf course. Mr. Sullivan's discussions about the use of water from the dam with Jan Bowers, Executive Director of the Chester County Water Resource Authority were reportedly not promising.

Although Mr. Piersol told Mr. Sullivan that he didn't think the Municipal Authority would be receptive to supporting a well to be drilled on the property, he suggested that Pulte draft a letter explaining the reasons the Authority should consider this alternative, including how they would preserve and protect the water supplies of adjacent property.

Mr. Summers suggested that irrigation of the golf course with water from the dam would be the most reasonable solution of the three discussed. The water could be taken down to a level where it would still flow through the Beaver Creek and recharge into the ground. Mr. Piersol agreed, saying that that the dam is used for flood control, so use of the water to irrigate the golf course should not adversely affect the dam, creek, or surrounding area. He went on to say that Mr. Sullivan mentioned that 130,000 to 140,000 gpd of water are needed to irrigate the golf course during the green-in period.

Mr. Corbin stated that he would oppose drilling a well on the property or using the Kay Wells for irrigation. He agreed that use of the dam water was the best solution. Mrs. Moser agreed with Mr. Corbin. Mr. Kirkpatrick remarked that if Pulte were able to come to an agreement with Aqua Pennsylvania it would be fairly simple to determine if any of the water used comes from the Kay Wells.

Mr. Kirkpatrick stated that if Pulte needs 140,000 gpd this may put them in the realm of having to go through the Delaware River Basin Commission (DRBC) permitting process. He wasn't sure that this could be done in a reasonable time-frame relative to what Pulte wanted.

Nuisance Odors near Little Washington Road

Mrs. Smedley reported that the Township hasn't received odor complaints from residents in the past several months. Per Mr. Kirkpatrick's request, Mr. Boldaz followed-up with Aqua Pennsylvania regarding the last Discharge Monitoring Reports, which indicate an exceedance in the nitrate levels in September and October and November. According to Mr. Boldaz, a representative from Aqua Pennsylvania indicated that the nitrogen exceedance were the result of mechanical equipments problems at the treatment plant that have since been resolved. Mr. Boldaz will need to see the Discharge Monitoring Report for December to see if the problem is corrected. Mr. VanLew stated that the Township continue to dose with hydrogen peroxide.

Resolution 01 of 2009 – A Resolution of the East Brandywine Township Municipal Authority Establishing Restrictions upon the Use of Retaining Tanks and Regulation for the Maintenance and Security Thereof.

This Resolution establishes limitations, regulations, and procedures for the use and maintenance of existing and new retaining tanks designed to receive and retain sewage from residential, commercial or industrial uses. This Resolution was prepared by Mr. Oeste and reviewed by Mr. Boldaz and Authority members. Mr. Corbin asked if there were any questions regarding the Resolution. There were no questions. Mr. Summers

made a motion to adopt Resolution 01 of 2009. Mrs. Moser seconded the motion, with all voting Aye.

Hillendale

Mr. Boldaz and Mr. Earl Cooke from Southdown Homes walked the route of the proposed water line. Mr. Boldaz stated that the line is currently proposed to be installed by an open-cut method across Creek Road, up steep slopes adjacent to the road and to the development. He is concerned that it will be difficult to control erosion in the area of the steep slopes when the water line installed. Instead, he is recommending that the contractor install the line via direction drilling up the slope; until a point where the ground levels off. At that point the line can be installed by an open cut method. Mr. Corbin stated that he reviewed the plan submitted at last month's meeting. He suggested that it would be helpful to overlay the topographic lines on the proposed pipeline pathway since it will make the plan easier to review. Mr. Boldaz will discuss this with Mr. Cooke and also request that areas of proposed tree clearing be clearly shown on the plan. It was noted that it is important that the developer use appropriate erosion control methods in order to prevent sediment from washing into the creek.

Mr. Corbin asked if the design pressure has changed. Mr. Boldaz said that it hasn't, and in fact, the route is preferable to the one previously shown.

Hide-A-Way Farms

Mr. Boldaz stated that it has come to his attention that the Pump and Haul Permit for the Hide-A-Way Farm Subdivision has expired. Mrs. Smedley will send a letter to John Veneziale at PADEP to request an eight month extension of the permit.

Trethewey Property Sewer Connection

Mr. Ted Trethewey, Mr. Jeff Miller and Mr. Andrew DeFonzo attended the last meeting to discuss connecting the Trethewey property at 1220 Horseshoe Pike. At that meeting, 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 9 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.

Following this morning's meeting, Mr. Piersol and Mr. Boldaz will meet with Jeff Miller to discuss the options in further detail and discuss the cost estimates. Mr. Piersol stated that the last option likely isn't feasible because of cost. Mr. Boldaz stated that he would prefer the gravity system described in Option 1, which would necessitate modification to the pump station. There are continued concerns that it is presently difficult to determine the cost because of concerns about rock. In addition, to extend sewer service to the four properties west of the Trethewey property the owners would need to provide easements.

After last month's meeting Mr. Miller forwarded a draft questionnaire to be sent to residents in order to determine their interest in connecting to the sewer system. It was mentioned that property owners may be reluctant or unwilling to answer some of the questions. It was also mentioned that without having a cost estimate to present to property owners the questionnaire isn't that helpful.

Mr. Piersol believes that the homes west of the Trethewey property have cesspools. It may be less expensive for those property owners to install a septic system rather than connect to public sewer. Mr. Summers asked if connection could be mandatory. Mr. Piersol thought that the Authority could mandate connection for those properties within 150 ft. of the sewer line.

Mr. Piersol and Mr. Boldaz will report back to Authority members after their meeting with Mr. Miller.

Act 537 Plan

Mr. Boldaz stated that he continues to work on the Act 537 Special Study and is in the process of reviewing Township documents. He expects to have a draft for the Authority to review within the next month.

In order to complete the Study Mr. Boldaz said that he will need revised costs for the Applecross Treatment Plant. Tapping fees for new users will be based, in part, on the cost of the treatment plant. He went on to say that there are substantial changes in the plant design and that these changes will affect costs. Pulte is currently getting revised costs and will pass them along to Mr. Boldaz once they are finalized.

If Pump Station "B" isn't constructed at all, or its construction is delayed for a period of time, the effluent that was to be directed to this station will probably be directed through the Bondsville Pump Station. Mr. Boldaz pointed out that effluent from could not be conveyed to the Applecross Treatment Plant from the Bondsville Pump Station via gravity. Mr. Boldaz stated that he will need to do an analysis to determine the capacity of the pump station. Mr. Corbin mentioned that Pulte and K. Hovnanian will need to help pay for upgrades to the pump station if that if the case.

After the draft Study is completed, a meeting will be scheduled with representative of the Little Washington Wastewater Treatment Plant.

Mr. Piersol mentioned that the Trethewey property proposal will likely be included in the 537 Study. Mr. Miller will provide information for inclusion. Mr. Boldaz stated that PADEP had no initial objection to including those properties.

2009 Contracts for Hydraterra Professionals and CMX

Mr. Boldaz and Mr. Hammel provided 2009 contracts for the Authority's review. It was noted that there were no rate changes in the contract; they were simply revised with the dates changed for 2009. Mrs. Summers made a motion to approve the 2009 contracts for Hydraterra and CMX subject to review by the Municipal Authority. Mr. Anthony seconded the motion with all voting Aye.

School District Proposal

Mr. Piersol reported that there have been no further discussions with the Downingtown Area School District about a location for a third middle school.

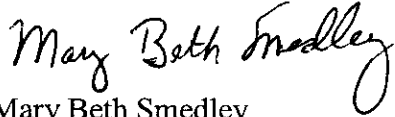
Public Comment on Non-Agenda Items

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 8:30 A.M. Mr. Anthony seconded the motion with all voting Aye.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Beth Smedley". The signature is written in black ink and is positioned above the printed name.

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township