

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, February 10, 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 Hammell, CMX Engineering
Justin Scarth, CMX Engineering
Matthew VanLew, Township Road Master
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, February 10, 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: January 13, 2009

Mr. Corbin asked if there were any additions or corrections to the January 13, 2009 minutes. There were none. Mr. Kirkpatrick moved to approve the minutes as presented. Mrs. Moser seconded the motion with all voting Aye.

Treasurer's Report

Mrs. Smedley reviewed the Treasurer's Report and Account Balances as of February 9, 2009 and presented the invoices for payment.

Municipal claims for nonpayment of the 4th quarter user fees have been filed against Henrik Werring, Luo Hong, Carol Schmidt and the bank on behalf of the Redden property. There are now two claims filed against Henrik Werring at 104 Bolero Drive. An Order to Satisfy has been filed to remove the lien against Duane Oakes.

There was one settlement at Applecross in January bringing the total number of sold lots to 70, in addition to the 14 model homes being invoiced to Pulte.

A few residents have mentioned to Mrs. Bednarchik that the door on the community mailbox is broken, making everyone's mail vulnerable to theft. Mrs. Smedley will call Mr. Creeger from Pulte to request that it be repaired.

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

Pump Station A – Resident Issues

Mr. Piersol reported that McGovern, Inc. has assumed the responsibility for the maintenance of the Applecross wastewater collection system, in particular the pump and haul operations effective February 2nd. Aqua Pennsylvania will no longer be handling this work.

Bruce Critchlow of McGovern, Inc. met with Mr. Piersol, Mr. Boldaz and Mr. Creeger from Pulte Homes on January 28th to discuss the ongoing maintenance of Pump Station A. Until PECO Energy has completed the installation of the 3-phase electric service to the Pump Station A pad transformer (needed to allow for power delivery to more powerful pumps), there will continue to be a need for ongoing maintenance, at least on a monthly basis at this location. The temporary pumps currently installed cannot effectively process solids and grit. This grit accumulation has caused performance issues in the past, which according to Pulte, Aqua Pennsylvania was not effectively dealing with. In addition, in an effort to address the grit issue, Pulte has raised the pumps off the floor, which makes them less susceptible to the grit that is causing the problems.

McGovern personnel will be at Pump Station A later today to perform the monthly maintenance there.

Applecross Development (AKA Overlook Road Farm)

Golf Course Irrigation – When Mr. Boldaz last spoke to a representative from Pulte about a water supply source for the golf course, he suggested that use of the Kay Wells should only be considered an option of last resort. As stated in the January Municipal Authority meeting, the Authority opposes drilling new groundwater extraction wells on the property, or using groundwater produced from the Kay Wells for irrigating the golf course, both are specifically prohibited in the Settlement Agreement executed between the Township and Pulte Homes.

Mr. Piersol said he spoke to several different people at Pulte and discussed various options for irrigating the golf course including use reservoir water behind the Beaver Creek Dam. Mr. Piersol also spoke to Jan Bowers from the Chester County Water Resource Authority who stated that Pulte had initially negotiated a draft agreement with CCWRA to use water from the dam and then decided they didn't need it. Ms. Bowers also said that the agreement would only have allowed for a limited amount of water to be taken from the dam since the dam isn't constructed to withstand a continuous fluctuation

of water level. Mrs. Moser suggested that Pulte might want to contact the State authorities to see if they have any suggestions.

It has been reported by Pulte that Aqua Pennsylvania can provide water for irrigation, but it would be expensive. Pulte suggested running a 6-inch water line from the Beechwood Campground, but this would require a booster pump, making it cost-prohibitive to them.

Mr. Piersol stated that as a riparian water owner, Pulte can withdraw from the stream traversing their property as long as the withdrawal doesn't adversely affect downstream property owners. During the telephone conversation, Ms. Bowers, stated that if the water withdrawal is limited to less than 100,000 gpd a PADEP permit isn't required. Mr. Kirkpatrick said that at the last Municipal Authority Meeting Mr. Craig Sullivan from Pulte mentioned that 130,000 to 140,000 gpd of water are needed to irrigate the golf course during the green-in period and so it appears that the water supply from the stream would be inadequate.

Lagoon No. 1 Underdrain Dry Well & Pump Station – Township Engineer Michael Mayhew received a submittal for construction of a dry well and pump station at the southwestern corner of aesthetic pond No 1. The dry well is proposed to be connected to the existing Lagoon No. 1 underdrain that currently discharges under East Reeceville Road to Beaver Creek. The dry well and pump station will be used to fill the aesthetic pond and then the underdrain water will be available to pump station "G" for irrigation.

In correspondence dated January 29, 2009 Mr. Mayhew stated he had no objections to the proposed dry well and pump station intercept. However, little detail has been provided on the actual pump station design and information regarding the proposed components, electrical service, layout and access should be provided. Mr. Mayhew understands that Pulte is waiting for their subcontractor to provide this information to them.

Mr. Mayhew is recommending that a pump run-time meter be installed to enable pumping volumes to be estimated. He also recommended that the electrical components be protected from public interference. Also, design calculations, pump selection information and pump discharge configuration into the aesthetic pond should be provided for review.

Review of Engineering Design for the Applecross Wastewater Treatment Plant – In correspondence dated January 19, 2009 Mr. Hammell stated that CMX reviewed the design and asked that the applicant address outstanding issues in Yerkes' April 15, 2008 review letter.

Mr. Boldaz was asked whether he and Mr. Giannantonio had resolved the question regarding classification of the building. Mr. Boldaz stated he had discussed this with Mr. Giannantonio who indicated he would contact Mr. Boldaz if there were problems with the classification used for the design. To date, Mr. Giannantonio hasn't been in touch with Mr. Boldaz. The classification is noted on the plan.

Pulte plans to begin construction on the treatment plant in the spring of 2010. In the meantime, they plan to revisit some of the construction costs. Since there have been changes to the specifications and considering the "tight" economic conditions, Mr. Boldaz expects there could be some cost savings. Mr. Boldaz will include a cost estimate for construction of the treatment plant in the Special Study.

Sewer Use Fees – Mrs. Smedley stated that Sewer Agreement with the Authority and Pulte permits the Authority to charge an administrative fee for collection of the sewer fees from residents. After discussion with Mrs. Bednarchick and Mr. Summers, Mrs. Smedley is recommending that, based on her estimates of the actual level of effluent involved, it is appropriate that the Authority charge 10% of the invoiced sewer fees as an administrative fee. Mrs. Bednarchick collected approximately \$39,000 in sewer fees for Applecross residents in 2008. Mr. Summers made a motion to approve charging a 10% administrative fees for sewer fee collection for 2008 and 2009. Mrs. Moser seconded the motion, with all voting Aye. Mrs. Smedley will prepare a check for the total amount of the sewer fees minus the administrative fee for the next Municipal Authority meeting. Pulte will be reimbursed on a monthly basis thereafter.

Little Washington Wastewater Treatment Plant – Notice of Violation

Little Washington Wastewater received a Notice of Violation for exceeding Nitrate and Nitrite Concentrations limits during September, October and November of 2008. They must respond to PADEP describing the causes of noncompliance and the action taken to prevent a recurrence of the violation. Mr. Boldaz will review the Discharge Monitoring Reports and will provide comments for the Authority's review. A representative from Aqua Pennsylvania indicated that the exceedance was the result of mechanical equipment problems at the treatment plant and the problem should be resolved.

Keats Glen Treatment Plant

Mr. VanLew and Mr. Boldaz met with Lenni Electric to discuss the installation of a new pump into the anoxic tank to address air requirements within the treatment plant. Lenni provided a quote for \$2,034. Mr. VanLew and Mr. Boldaz recommended that the Authority proceed with the Lenni proposal. Mr. Boldaz stated that he expects the pump to be installed in the anoxic tank before the end of the month. The Municipal Authority approved installation of the new pump.

Hillendale

Mr. Boldaz received a revised plan showing the water line routing and topography, but no other changes. He has asked Mr. Cooke to provide a revised plan, for his review and comments. Mr. Corbin stated that tree clearing wasn't shown on the plan. Mr. Boldaz commented that since most of the trees are small and there isn't any old growth, he

thought that the center line of the pipe routing could be staked in the field so the routing could be reviewed. Mr. Corbin said that would be reasonable.

Hide-A-Way Farms

Mr. Boldaz stated that the warranty will be expiring shortly on equipment at the pump stations on the Hide-A-Way Farms development. Southdown Homes and Pikeland construction are discussing whether to run the pumps before the warranty expires or to wait until they are actually going to be used. The Authority did not make a recommendation, but will not accept dedication of any and all equipment until the pumps are in demonstrably proper working order and a suitable warranty is provided.

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 and pulling together maps for reference. The document is approximately 70% complete. He expects to have a draft for the Authority to review within the next month. Mr. Boldaz thanked Mr. Piersol for his help providing documents for the Study.

School District Proposal

Members of the Township, Planning Commission, and Municipal Authority will meet with representatives of the Downingtown Area School District in Executive Session on February 11, 2009 to discuss construction of a middle school on the Weaver Tract. The School District would like to open the school in the fall of 2012.

The Authority is very interested in reviewing this plan since it will affect the Applecross Treatment Plant and they want to insure that the infiltration beds shown on the K. Hovnanian plan remain, or the new plan shows an acceptable alternative. In addition, the Authority wants to make sure the School District honors the Sewage Capacity Agreement executed by the Township, Authority and K. Hovnanian. Mr Oeste will review this agreement.

Downingtown Municipal Water Authority Maintenance Proposal

Mr. Piersol stated that the Downingtown Municipal Water Authority is proposed to install a storage tank and pump and to update its four-inch transmission mains. They will apply for a grant to the Commonwealth Financing Agency to aide in financing these improvements. Mr. Piersol will contact John Lichman, Executive Director of the Authority to determine the location and scope of this project.

Shryock WWTP – Notice of Violation

East Brandywine Township received a copy of a Notice of Violation for the Shryock Discharge Permit. Because the Shryock NPDES permit has expired and they are discharging treated wastewater to the Brandywine Creek, this discharge is a violation of the Clean Streams Law. The owner of the property must submit a written plan and corrective action within 30 days of receipt of the violation. Ms. Moser asked Mr. Boldaz to look into the Notice of Violation.

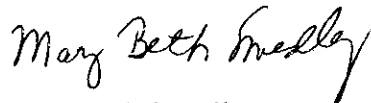
Public Comment on Non-Agenda Items

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

Adjournment

There being no further business, Mr. Anthony moved to adjourn the meeting at 8:30 A.M. Mr. Summers seconded the motion with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township