

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, April 14, 2009

7:30 A.M.

Those in Attendance:

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

Absent:

Michael Corbin, Chairman

The Municipal Authority met on Tuesday, April 14, 2009, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:30 A.M. There were four visitors from the public present.

Minutes: February 10, 2009 and March 10, 2009

Mr. Kirkpatrick asked if there were any additions or corrections on the above minutes. There were none. Mr. Anthony moved to approve the minutes from both prior monthly meetings as presented. Mr. Summers seconded the motion, with all voting Aye.

Treasurer's Report

As of April 13, 2009 the following customers remain delinquent: Duane Oakes, Erick Santijanna, Robert Billet, Kenneth Schafer, and Henrik Werring. Mrs. Bednarchick reported that Mr. Oakes is expected to drop off payment within the next day or two. Municipal claims will be filed if payment is not received by the end of the week. Luo Hong has paid the lien filing fees on her account, and an Order to Satisfy was filed. The payment received from Owen Reo LLC/Chase Bank brings the Redden account up-to-date through January 31, 2009, and Orders to Satisfy the four liens will be filed shortly.

Invoices from the second quarter of 2009 were mailed on March 31, 2009. The notice from American Water on "Hazards to Wastewater Treatment Systems" was enclosed with the invoices.

There were three settlements at Applecross in March. There are now seventy-three occupied homes in addition to the thirteen model homes and the community and fitness centers.

Mrs. Smedley explained that check #1696 in the amount of \$51,870.06 made payable to Pulte Homes was for sewer fees collected, minus the 10% administrative fees.

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

Request for Sewer Connection – 1220 Horseshoe Pike

Ted and Anne Trethewey attended the meeting to discuss connecting their property at 1220 Horseshoe Pike to public sewer. Earlier in the year Mr. Trethewey had discussed connecting the property, but thought it would be cost-prohibitive since discussions also included connection for four homes directly west of their property. The property is currently served by a cesspool.

Mr. Trethewey said that after initial discussions with the Municipal Authority and Township he investigated the possibility and determined that there was sufficient room on his property for the installation of a septic system, however the new system would be too close to the neighboring property owners' well. Mr. Trethewey offered to pay for his neighbor to connect to public water, but they are considering selling the property in the next year or so and don't want to incur the additional cost to pay for public water. Since Mr. Trethewey has exhausted other options he is requesting the Authority's assistance in connecting his property to the sewer system as soon as practical.

Mr. Kirkpatrick and Mr. Boldaz discussed The Trethewey's request prior to the meeting and considered the construction of a low pressure sewer system utilizing a grinder pump as a realistic possibility. This would necessitate connecting to the force main which serves the Township Public Works Building, at the rear of the Municipal Complex.

Connection of the Trethewey property to "Guthriesville" public sewer system is not included in the current Act 537 Plan, Mr. Boldaz said it could be included in the Special Study, but he also said that inclusion of the property might be accomplished by filing a planning exemption; DEP will make the final determination as to whether they will accept an exemption. Mr. Trethewey said that Eric Leskowich from the Chester County Health Department has been involved because he reviewed the perc test results for the septic system. He feels confident that Mr. Leskowich will support his request for connection to the public sewer system.

Mr. Boldaz said that while he appreciated Mr. Trethewey's position regarding connection of his property, the Authority also needs to be cognizant of the neighboring properties need for connection. Mr. Summers said that the Authority does not want to have piecemeal connections to the sewer system and DEP would not allow it.

Mr. Trethewey said that he isn't a developer, just a property owner who wants to connect to the sewer system. He said that he isn't able to expend a lot of money in order to connect and doesn't have funds to subsidize connection of other property owners. Mrs. Trethewey said that she is considering opening a café on the property. She and her husband are trying to restore a historic building and also to start a business in the community. Mr. Summers said that the Authority didn't ask Mr. and Mrs. Trethewey to pay for any other property owners to connect. Mr. Anthony agreed with Mr. Summers. Mr. Boldaz clarified that the Authority wasn't trying to force the Tretheweys to pay for other property owners' connection, but with this request DEP will likely require the Authority to investigate the potential connection of the four other homes. Although Mr. Trethewey stated that he would grant easements to the other property owners if they choose to connect to the sewer system, he feels it is the Authority's role, not his role to effect these connections.

Mr. Kirkpatrick said that the three alternatives previously discussed were 1) a gravity collection system at the rear of the subject properties with a pump station replacement, 2) a low pressure sewer system with individual grinder pumps and a common connection into the forcemain and 3) a gravity collection and conveyance system along Rt. 322. Mr. Boldaz stated that if the gravity collection system at the rear of the subject properties alternative was selected, there is not sufficient capacity in the wet well to accommodate the five properties and the pump will need to be upgraded.

In earlier discussions it was determined that the first and third options were cost prohibitive. A low pressure system will allow other property owners to connect at a later date. Mr. Piersol mentioned that property owners within 150 feet of the sewer line are currently required to connect, however, if there are no failing systems, DEP may not insist on immediate connections.

The Township only has ½ EDU used at its property connection at the utility garage and the Trethewey property will potentially have 4 EDUs. If the low pressure alternative was selected, it was suggested that the Tretheweys would need to maintain the force main and other property owners could share in maintenance costs once connected. Mr. Trethewey thought that the Authority should be responsible for maintaining the force main. Mr. Kirkpatrick stated that if the Authority assumes maintenance responsibility the user fee would likely increase. Each property owner would be responsible to maintain their laterals and grinder pumps.

Mr. Boldaz said that, regardless of which alternative was chosen, the Tretheweys would need to obtain an easement from the Township, which would have to be granted by the Board of Supervisors, not the Municipal Authority. An easement may also need to be obtained on the Weaver property for the other connections.

Mr. Trethewey asked about a time-frame for gaining approval for the sewer connection. Mr. Boldaz indicated that a Special Study of the area is currently being performed and speculated that a revision to the Act 537 Plan could take 8 months or more. The Act 537

study currently underway by Mr. Boldaz is approximately 70% complete and does not currently address these connections. An exemption to the Act 537 plan could take three to six months, assuming that DEP approves it.

Mrs. Smedley asked whether the Tretheweys and other property owners would need to pay a tapping fee for connection. A tapping fee will need to be calculated. Mr. and Mrs. Trethewey currently have an escrow account with the Township that will be used to reimburse the Township and Authority for engineering and legal reviews.

Mr. Oeste suggested that there may need to be an easement and maintenance agreement for use of the grinder pumps. Some municipalities or municipal authorities do this by resolution and the Authority may consider this as the process moves forward. Mrs. Moser thought that the Authority should develop regulations now, rather than waiting until problems arise.

Mr. Moser thought that the time frame suggested to gain an exemption or Act 537 revision may be optimistic. She said that it has been her experience that reviews by DEP can be lengthy.

The next step will be for Mr. and Mrs. Trethewey to attend the May 7th Board of Supervisors meeting to ask whether the Board is amenable to granting an easement for the sewer connection. If the Board reacts positively then Mr. Trethewey will submit a planning exemption to DEP. Mr. Oeste suggested that the Tretheweys simply need to show the Board a concept plan with the location for the easement. If the Supervisors approve the concept, then Mr. and Mrs. Trethewey will need to go back to their engineering firm for formal plans and a design for the low pressure system.

Connection to the sewer system using the low pressure alternative will require an easement agreement and maintenance agreement. Mr. Trethewey asked if he should have legal representation for these matters. Mr. Oeste said that it would probably be in their best interest to have the easement agreement and maintenance agreement reviewed by their attorney.

Mr. Trethewey asked the Authority if they thought he was going in the right direction. The Authority generally agreed that he was, but did not completely rule out the gravity system because of maintenance problems that can be associated with grinder pumps.

Second Addendum to Sewer Improvement Construction Agreement – Hopewell Tract

Rouse/Chamberlin Ltd. wishes to extend the sewer EDU Reservation Period under the above references agreement. Paragraph 2 of the April 11, 2006 “Second Addendum to Sewer Improvement Construction Agreement – Hopewell Tract” provides that this Reservation Period may be extended for an additional three years. The Authority took no exception to this extension.

Pump and Haul Permits – DEP Concerns

Mr. Boldaz recently contacted PADEP regarding the pump and haul agreements for Applecross and Hide-A-Way Farms. PADEP is concerned with the length of time the pump and haul has been in operation for the two developments.

Mr. Boldaz discussed Pulte's commitment to building the wastewater treatment plant and their revised schedule. Accordingly, PADEP will provide an approval for an eight-month extension of the pump and haul agreement.

Mr. Boldaz said that PADEP is very concerned with the number of extensions previously granted for the Hide-A-Way Farms development and asked if there were any recent sales of homes. Mr. Boldaz indicated the unlikely prospect of any additional homes in the near future. PADEP said that the Township and Authority should be concerned with the amount of time this development is being allowed to remain on pump and haul since they are responsible for any violations. Mr. Kirkpatrick stated that he was also concerned about the length of time for these pump and haul permits and wondered what alternatives should be considered.

Mr. Earl Cooke from Southdown Homes said that he was hoping to start-up the pumping station and connect to Little Washington WWTP, but Aqua Pennsylvania is concerned about creating a septic situation in the line and won't allow it. Mr. Cooke said that Southdown considered lining the 4-inch force main, installing a small force main to reduce the detention time or reversing the flow in the 6-inch return line. To install a community system at this juncture would be very expensive.

After discussion, the Authority agreed that it would be appropriate to request an additional eight-month extension of the pump and haul agreement for the Hide-A-Way Farms development while Southdown does an alternative analysis, which can be provided to PADEP.

Mr. Cooke will have Evans Mill Environmental complete the analysis and will forward it to Mr. Boldaz for his review and comments prior to submitting it to PADEP.

Mr. Cooke said that the warranties on all the installed mechanical equipment for Hide-A-Way Farms will soon expire. He hopes to perform manufacture warranty runs prior to expiration and will request the presence of the Authority's Engineer to witness these runs.

Little Washington Wastewater Treatment Plant – Notice of Violation

Recently, Little Washington Wastewater Treatment Plant has exceeded the effluent limitations for Nitrate and Nitrite Concentration. They adjusted the air patterns and reduced the D.O. in the anoxic zones to promote more effective de-nitrification.

The Authority is concerned that this may become an issue at the Keats Glen Treatment Plant since the limits are difficult to meet, particularly during the winter months. Mr. Boldaz believes that recently completed upgrades to the anoxic tank will help. He hopes with the upgrade, along with some chemical addition, the plant will be able to achieve DEP's limits. Mr. Boldaz stated that the amount of sludge at the plant could increase with the chemical addition, resulting in higher fees for its removal.

East Brandywine Baptist Church – EDU Reservation Request

The East Brandywine Baptist Church is requesting three EDU's from the Delaware County Community College in order to connect to the Keats Glen sewer system. Mr. Boldaz has been trying to get in touch with College representatives to discuss this and obtain copies of the as-built plans. Mr. Cooke said that he would check his files for the plans and send Mr. Boldaz an electronic copy. Mr. Piersol said that the Church will likely make the connection at manhole 17 in front of the College cafeteria.

Keats Glen Sewer Treatment Plant

Mr. Boldaz reported that during the installation of the anoxic tank they discovered pieces of mop heads that were wrapping around pipes and creating a maintenance problem. In addition, they found a lot of sanitary wipes in the sewer. Mr. Boldaz will send a letter to the college addressing this. The College is also piling salt near the treatment plant, which is killing the grass. The College will be informed that if these problems continue the Authority will expect to be reimbursed for the additional costs to maintain and repair the treatment plant.

Hillendale Water Transmission Line

Mr. Boldaz reviewed plans for the water transmission line, last revised on March 22, 2009. The plans present the proposed water main extension from the Welsh Ayres community in Uwchlan Township across the East Branch of the Brandywine Creek up to the proposed Nichols Mill Road in the Hillendale Development. The extension is to be made using a 12-inch diameter pipeline installed within a proposed 20-foot wide permanent easement.

During the previous review, it was discussed that the staging for the boring operation and erosion and sedimentation controls were not clearly presented on the submitted plans. The applicant's consultant indicated that staging and E&S controls may be different, depending upon which contractor was selected to perform the work. To address this issue the consultant added a "Directional Bore Note" indicating that detailed construction drawings showing the staging areas and E&S controls must be provided to and approved by the Municipal Authority Engineer prior to construction. This note adequately addresses Mr. Boldaz's concerns.

During the previous review and field visit, concerns regarding mature trees that might be lost during construction of the pipeline were discussed. Rather than surveying all the trees along the route, the applicant has proposed to stake-out the center line of the proposed route in order to determine the location of mature trees and other surface features relative to the proposed pipeline. Once the stake-out is completed, the applicant or their consultant will schedule a final walk-through with Mr. Boldaz to determine what impact the proposed route will have on surface features. The results of the final walk-through should be completed prior to plan approval.

Mr. Boldaz reported that previous comments with respect to the proposed waterline have been addressed. He is recommending the Authority approve the plans with respect to construction pending correction of the above.

Mr. Boldaz was asked how the water line might be moved if the routing was close to a mature tree. Mr. Boldaz said that it wouldn't be too difficult to move the line slightly. He also said that there isn't any real mature growth along the line.

Mr. Cooke was asked when the work would be completed. He said that he hoped sometime in 2010. Southdown is working to obtain sewer plan approval and then will be submitting final plans for the Planning Commission's consideration.

Mr. Anthony made a motion to approve the water routing line subject to the modifications outlined in Hydraterra's April 14, 2009 review letter. Mrs. Moser seconded the motion, with all voting Aye.

Act 537 Plan update

Mr. Boldaz has forwarded a draft of the Act 537 for Mr. Piersol to review. Mr. Piersol will provide comments to Mr. Boldaz shortly.

PADEP Notice of Violation

On February 15th, PADEP received a notification from representatives of Aqua Pennsylvania concerning a sewage overflow at the Culbertson Run Wastewater Treatment Plant. The notification indicated that approximately 10,000 gallons of sewage was discharged from the equalization tank onto the surrounding area. The notification indicated that the overflow did not reach Culbertson Run, although a site visit conducted by DEP on February 17th revealed that the overflow did enter Culbertson Run.

This overflow constitutes a violation of the Clean Streams Law of Pennsylvania. DEP requested that Little Washington Wastewater Treatment Plant explain how the amount of sewage released was calculated and the steps being taken to prevent this from occurring in the future. Mr. Boldaz will send a letter to Little Washington Wastewater Company asking for an explanation as well.


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, Mrs. Moser moved to adjourn the meeting at 9:10 A.M.
Mr. Summers seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley, Secretary/Treasurer
East Brandywine Township

