

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, August 11, 2009

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
Matthew VanLew, Township Road Master
Mary Beth Smedley, Secretary/Treasurer

Absent:

Michael Corbin, Chairman

The Municipal Authority met on Tuesday, August 11, 2009, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:30 A.M. There were no visitors from the public present.

Minutes: July 14, 2009

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

Treasurer's Report

Municipal claims were filed against four customers for nonpayment of the second quarter user fees. There were three settlements at Applecross in July and two cancellations. The total number of occupied homes is 83, in addition to 13 model homes and the community and fitness centers. There is one settlement scheduled so far in August.

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

Request for Additional EDUs – 1165 Horseshoe Pike

At last month's meeting, Mr. Frank Berkey of Marquis Realty Management, L.L.C. attended to discuss his firm's interests in a commercial property located at 1165

Horseshoe Pike. Mr. Berkey and investors are interested in purchasing the property for an 11,000 square foot daycare center and want to determine if sewer capacity is available. Mr. Boldaz stated that the Sewer Use Ordinance does not specify a sewage flow rate for daycare centers and he suggested that Mr. Berkey provide calculations so that he can compare them against what is generally accepted. As of this date Mr. Berkey has not provided the requested information. This issue will not be pursued by the Authority unless Mr. Berkey contacts them again or provides additional information.

Mr. Piersol said that Mr. Oeste asked him if a daycare was a permitted use in the VC District. Mr. Piersol remarked that his research indicated that a daycare is only permitted as a home occupation in the Township, with a limit of six persons. Mr. Oeste suggested that the Township might want to address this issue. Mr. Piersol brought this to the attention of the Planning Commission. Chairman, Bruce Rawlings asked that this be placed as an agenda item for the next Ordinance Task Force meeting.

No further Authority action is required on this item at this time.

Applecross

Hydraterra July 17, 2009 correspondence regarding revised drawings

Mr. Boldaz reviewed revised plans which included grading plans sheets and road profiles. The revised plans add the "future area" along Norwood Drive and Trego Lane to the units proposed for Phase 1 of the development. Mr. Boldaz passed his comments along to the applicant, which should be addressed in the next submission.

The consultant should confirm that all water services and water laterals conform to the East Brandywine Township Municipal Authority Water and Sewer Specification Details. The manual states that "any sanitary sewer or potable water line should not be installed closer than ten feet horizontally to each other. All water services and sewer laterals that do not meet this standard should be corrected.

The consultant should verify the elevations of Manhole A59, as these elevations are listed differently than on the plans titled "Issued for Construction 12/14/2006".

The consultant should verify that the pipe connecting Manhole A58 to Manhole A57 is PVC SDR35.

Hydraterra July 30, 2009 correspondence regarding revised drawings

The area in question, which includes Norwood Drive and Trego Lane, has not been included in the sanitary sewer escrow that was originally established for Phase 1 of the development.

Pulte Homes provided a draft Sewage Facilities Financial Security Agreement for the Authority's review. Mr. Boldaz said this Agreement is similar to the one previously executed for Phase 1. Pulte would like to begin work on the next phase this coming Monday and will provide a \$400,000 Letter of Credit (LOC) for the project. Mr. Kirkpatrick asked if the funding indicated in the LOC was sufficient. Mr. Boldaz said that it was and that there wasn't a great deal of work associated with this phase. The shop drawings for this phase are identical to what was submitted for Phase I and have previously been approved.

Mr. Boldaz asked if the Authority would approve the Agreement pending a final review by him and Mr. Oeste and posting of a LOC that is acceptable to the Authority. One change Mr. Boldaz is recommending is the deletion of Section 11.d, which states that no structures other than the 655 projects homes of the Development may be connected to the Facilities until the Authority has accepted dedication of the Facilities. Mr. Piersol suggested that Pulte not begin construction until the Agreement has been reviewed by Township Solicitor Stacey Fuller as well. Mr. Boldaz said that Pulte is anxious to start construction and they have indicated to him they are willing to start at their own risk. Authority members will try to review the Agreement by the end of the week and let Mr. Boldaz know whether it is acceptable.

Pulte Homes would like to begin constructing smaller single family homes along Norwood Drive and Trego Lane and the Chester County Conservation District would like to see this section of the project completed.

All sanitary sewer comments with respect to sheets #126 and #127 have been addressed. The plans are currently under review by the Township engineer and comments regarding general site improvement are pending.

Treatment Plant Construction

Mr. Boldaz has been having monthly construction meetings with representatives of Pulte Homes. He reported that Pulte would like to accelerate construction of the Treatment Plant, in part because the pump and haul operation is becoming very costly. Mr. Boldaz was asked if there was sufficient money escrowed if the Township or Authority would need to take over the pump and haul operation. Mr. Boldaz thought there was enough money in escrow for a few months, but he and Mr. Oeste will look at this. The Authority agreed that the Treatment Plant should be built as soon as possible. Mr. Boldaz was asked to invite Pulte representatives to the September 8th meeting to discuss this. Mr. Boldaz was asked to determine how long the pump and haul can be funded by the Letter of Credit, as well as a projection of how long the pump and haul can be funded with homes connected as of the end of 2009.

Hydraterra August 10, 2009 correspondence regarding revised drawings

Mr. Boldaz recently reviewed submittals and shop drawings by Dutchland Incorporated for the Wastewater Renovations Facility. From this review it was determined that additional penetrations as well as wall thicknesses have changed.

Based on these changes, the approvals outlined in the July 3, 2008 Hydraterra letter are rescinded. Mr. Boldaz requested that Ebert Engineering resubmit all shop drawings provided under their June 18, 2009 letter.

Keats Glen

June 12, 2009 Hydraterra Correspondence regarding the May 4, 2009 PADEP Inspection of the Keats Glen Sewage Treatment Plant

Mr. Boldaz sent a letter to PADEP on June 12, 2009 asking them to rescind their May 29, 2009 Notice of Violation for the treatment plant. He followed up with three phone calls this past month, in addition to a phone call the previous month to David Wolfinger, the inspector who issued the Notice. Mr. Wolfinger said that he would speak to his superior about this and get back to Mr. Boldaz. To date, Mr Boldaz hasn't heard back from him.

Comminutor Evaluation

Over the past several years, the rotating drum and stationary knife blades of the comminutor in the treatment plant have become unable to screen and shred the influent solids from the waste stream so the treatment plant operator has to do it manually. The ability for the device to work properly from the beginning was discussed – it was the general opinion of the Authority engineer that the equipment may have been undersized and made of inferior material from the beginning (i.e the device may have not been properly specified in the original design), and that it might not have worked well from the original date of installation. The equipment manufacturer is no longer in business and parts are difficult to obtain. Mr. Boldaz has recommended that it be replaced with a channel grinder system.

Mr. Oeste investigated whether the Authority would need to publicly bid the purchase of a channel grinder to replace the comminutor that is currently being used at the Keats Glen Treatment Plant. Given the fact that several manufacturers make equipment that might fit the configuration, it is Mr. Oeste's recommendation that the project be publicly bid. Mr. Boldaz will prepare the bid package for the Authority to review and approve. He said the bid package preparation would cost between \$3,000.00 and \$5,000.00

Construction and installation costs for this project are expected to be approximately \$25,000. Mr. Kirkpatrick asked Mr. Summers whether there were sufficient funds budgeted to purchase the equipment and complete the project this year. Mr. Summers said that this amount of work wasn't budgeted for 2009. Mr. Kirkpatrick asked Mr.

Boldaz if the work could be done in 2010. Mr. Boldaz said that it could and suggested that the bid package be put together this year with anticipated construction being completed in early 2010.

Mr. VanLew asked if the channel grinder would be tied into the auto dialer. Mr. Boldaz said that it can.

Mr. Summers made a motion to authorize Mr. Boldaz to prepare a bid package for the muffin monster and associated appurtenances. Mr. Anthony seconded the motion, with all voting Aye.

Guthriesville General Store/Brandywine General Rental Store

Claudio DiGiamberardino, owner of the Guthriesville General Store/Brandywine General Rental Store buildings, is renovating the buildings and has connected to the Guthriesville Sewer System. Mr. DiGiamberardino will be sent a pro-rated bill for user fees.

Mr. Piersol stated that the Authority should determine tapping fees for the properties. At the present time the uses for the property aren't known, but Mr. DiGiamberardino has indicated there will be at least two apartments and a commercial venture such as a restaurant in the General Store and an as yet unknown commercial undertaking in the Brandywine General Rental Building. Resolution 03 of 05 states that each residential apartment unit will be assessed a tapping fee of \$1,000. Commercial enterprises will be assessed at \$3.83/gpd of wastewater capacity needed with a minimum charge of \$1,000 per establishment. It will be the responsibility of the property owner to provide copies of water bills for the Authority's files. Mr. Boldaz will then review this information and make a recommendation to the Authority so the appropriate tapping fee can be assessed. The property owner will likely be assessed for the minimum number EDUs and then this can be adjusted accordingly once actual uses are determined for the buildings.

The Authority will need to revise the calculation for tapping fees as appropriate for future property connections.

Wawa has paid a \$5,000 sewer reservation fee that was turned over to Rouse/Chamberlin Homes. Mr. Oeste has reviewed the Sewer Reservation Agreement and there are no provisions in the Agreement requiring the Authority to refund the fee. As a result, the decision was made that the fees will not be returned.

Brandywine Village Shopping Center – Notice of Violation

On July 7, 2009, the Department of Environmental Protection responded to an incident notification regarding a sanitary sewer overflow involving an undetermined amount of sewage discharging into a storm sewer inlet located behind the Brandywine Village Shopping Center property. This storm sewer inlet then discharged into waters of the

Commonwealth. The overflow was determined to be caused by an excessive amount of grease build-up in the sanitary line before entering the pump station.

Mr. VanLew raised this as an issue, as well as his concern that without proper maintenance this could become a problem for other properties, particularly restaurants. Mr. Boldaz stated that the owner of the shopping center is responsible to make sure that there is a schedule to clean out grease traps. Mr. Boldaz will investigate whether the Authority has a resolution regulating this for non-residential uses, or if one needs to be adopted.

Odor Complaints near Little Washington Wastewater Treatment Plant

Mr. VanLew stated that he received an email from Tom Cicala from Aqua Pennsylvania on August 3rd who stated that they have been receiving odor complaints from some residents who live near the Treatment plant. Mr. VanLew also noticed a strong odor from the Timbers Development in late July. Mr. VanLew asked if the Authority wanted to take action such as increasing the peroxide in the wetwell.

Mr. Boldaz stated that the Authority has already increased the peroxide, which did help to some extent. Mr. Boldaz's opinion is that Aqua needs to cover up the headworks tanks where sewer enters the treatment plant. The Public Utilities Commission (PUC) did develop a protocol for residents to register complaints about odors from the Treatment Plant. It isn't certain whether the protocol is still in place, or whether the PUC required any corrective action from Aqua Pennsylvania in order to alleviate the problem.

To date, there are no records of a detailed and thoughtful attempt by Aqua to address the odor issue from the treatment works perspective. The Authority agreed to continue monitoring the issue and tracking neighbor complaints as appropriate.

Hide-A-Way Farms Pump and Haul Facilities

In accordance with the Pump and Haul Agreement between Southdown Homes, and the Pump and Haul plan included with the Agreement, a temporary chain link fence will be installed around the perimeter of the frac tank and have a locked access grate. During an inspection on July 20th, it was noted that the frac tank's temporary access gate does not lock. Mr. Boldaz placed a call to Southdown Homes. As of August 10th this issue has not been addressed.

Mr. Boldaz sent Southdown Homes a letter dated August 10th requesting that the fence and gate be secured and the tank and piping be inspected immediately. Southdown Homes should also institute a procedure for inspecting the fence security, the tank, and the piping to the tank in order to prevent any sanitary sewer overflows. Once the fence and gate have been secured Southdown should contact Mr. Boldaz to schedule an inspection of the facilities.

The Authority asked Mr. Boldaz to contact Earl Cooke at Southdown Homes and give them five days to rectify this situation. If they don't comply Mr. Boldaz will contact PADEP.

Act 537 Plan

Mr. Boldaz provided copies of the Act 537 plan for the Authority's review. He said that the document is about 90% complete, but still needs to address certain financial costs and tapping and users fees. Mr. Oeste assisted with the institutional evaluation and has reviewed the documents. Mr. Piersol suggested that the oil and grease issue raised by the Brandywine Village Shopping Center be added to the plan. Mr. Boldaz asked that Authority members provide their comments prior to the next meeting, if possible, and then it will be sent to PADEP for their review.

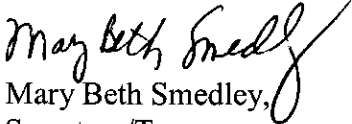
Public Comment on Non-Agenda Items

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

Adjournment

There being no further business Mr. Summers made a motion to adjourn the meeting at 9:30 A.M. Mr. Anthony seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley,
Secretary/Treasurer