

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, September 8, 2009

Those in Attendance:

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

The Municipal Authority met on Tuesday, September 8, 2009, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:40 A.M. There were two visitors from the public present.

Minutes: August 11, 2009

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

Treasurer's Report

Delinquent payment of the 2nd quarter user fees was received from two property owners and a partial payment was received by another owner. Therefore, there is one municipal claim to be filed for the 2nd quarter. Mr. Oeste will file that claim shortly. Delinquent notices for the 3rd quarter will also be mailed shortly.

The Guthriesville General Store and Brandywine General Rental were added as customers in the Hopewell Sewer District as of August 1st. The units were assigned one EDU each until the actual uses are determined.

There was one settlement at Applecross in August, bringing the total number of occupied homes to 84, in addition to 13 model homes and the community and fitness centers. There is one settlement scheduled so far in September.

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

Applecross

Hydraterra July 17, 2009 correspondence - Drip Irrigation Facility Shop Drawings

Mr. Boldaz said that all submitted shop drawings have been approved. A pre-construction meeting is scheduled with PADEP, Pikeland Construction, representatives from Pulte Homes and Mr. Boldaz for 10:30 A.M. this morning to discuss installation and precautions with construction of the drip disposal area. According to Mr. Boldaz, the PADEP representative is a geologist who is familiar with East Brandywine Township and the site. Pikeland Construction would like to begin installation this week.

Lighting at Pump Station A

Neighbors of Pump Station A have, in the past, expressed concern over the brightness of lights at the pump station. Mr. Piersol reported that the lighting appears to shine only on the Pump Station property. He said that he didn't detect a noticeable glare. In addition, a fence and landscaping have been installed. Mr. Bill Creeger from Pulte Homes said that there haven't been any recent complaints and the adjoining neighbors are satisfied with the improvements to the property.

Treatment Plant Construction Timeline

At last month's meeting Mr. Boldaz reported that Pulte Homes would like to accelerate construction of the sewer treatment plant. Mr. Bill Creeger and Mr. Sam Carlo were invited to this meeting to discuss their plans. According to Mr. Creeger, Pulte would like to begin placing orders and construction this month, with an anticipated plant start-up for October of 2010. Fabrication of the pre-cast concrete walls for the Dutchland Tank is scheduled to begin at the Dutchland plant the middle of the month, with installation at the Applecross site scheduled for the winter of 2010.

Mr. Boldaz questioned what critical issues should be considered other than weather for this timeline. Mr. Creeger said that he didn't foresee a lot of critical path items that could slow the project down. He went on to say that financial repercussions have been included in the engineer's contract if there are delays as a result of Pulte's reengineer's performance. Mr. Boldaz asked if construction would cease or slowdown for the winter. Mr. Creeger said that he expects to work through the winter. Mr. Boldaz will meet with Mr. Creeger once he has reviewed the timeline provided at the meeting. Mr. Boldaz said that he is in the process of reviewing the drawings and specifications for the treatment plant and is approximately 50% complete.

Mr. Kirkpatrick asked the extent of Yerkes involvement in the permitting/construction and site inspection process. Mr. Creeger said that he received a review letter from

Yerkes and provided a response. He expects the building permit to be issued shortly. It was agreed that Yerkes will be involved in the timeline closer to excavation, but it is premature to discuss the schedule with them now.

Sewage Facilities Financial Security Agreement – Phase 1, Step 13

Mr. Boldaz said that the Letter of Credit is in place and Pulte has begun construction. He reviewed the escrow calculations and they are consistent with what was approved. Installation of the sewer is complete, but final testing still needs to be done. Mr. Oeste has reviewed the Agreement and is satisfied with it. Mr. Kirkpatrick asked if there were any questions. There were no questions. Mrs. Moser made a motion to accept the Letter of Credit and execute the Agreement. Mr. Summers seconded the motion, with all voting Aye.

PennDOT Highway Occupancy Permit (HOP) for the Pump Station C Force main

The HOP describes the installation of a 3" PVC force main across and along East Reeceville Road and an 8" PVC gravity main across and along East Reeceville Road. Mr. Boldaz stated this HOP is only for a utility crossing. He is currently working with the applicant's design engineer on Pump Station C. Mr. Piersol will be the contact person for the Authority on the permit. Mrs. Moser made a motion to authorize Mr. Piersol to sign the Highway Occupancy Permit on behalf of the Municipal Authority. Mr. Summers seconded the motion, with all voting Aye.

Weaver Tract

K. Hovnanian previously posted a letter of credit as part of their Sewer Connection and Reservation Agreement. They are asking to be released because the Downingtown Area School District filed a declaration of taking for the property and K. Hovnanian no longer has an equitable interest in the property. Mr. Oeste suggested that discussion of this be deferred because the time for filing Preliminary Objections has not expired. Mr. Oeste will contact K. Hovnanian's attorney Michael Macaninch to discuss this.

Hillendale

Hydraterra August 27, 2009 correspondence – Pump Station #1 and Pump Station #2 review and September 2, 2009 correspondence – Sanitary Sewer Design Review

Mr. Boldaz stated that there he has several major comments on the pump station and sanitary sewer plans. At a minimum, the plans are not consistent with the Municipal Authority's specification and standards. Additionally the pumping efficiency of the proposed equipment is not acceptable as currently proposed. Based on Mr. Boldaz's calculations, the pump efficiency for both pumping stations will be less than 30%. As the systems age, this efficiency will decrease. Mr. Boldaz said that Mr. Earl Cooke from Southdown Homes is aware of the comments and he will await his response.

The Municipal Authority is particularly concerned about the proposed site (physical location) for Pump Station #2. Mr. Boldaz said that the pump station site is very small and the pump station itself will be located in front of several other lots. There will be access and maintenance issues at the pump station given the small lot size and steep slopes. Mr. Boldaz will discuss the Authority's concerns with Mr. Cooke.

Water Routing Line

A site visit still needs to be scheduled to walk the proposed water routing line. Mr. Boldaz will contact the Chester County Conservation District again so the meeting can be scheduled. The purpose of the meeting is to ensure that mature trees can be protected along the route, to the extent possible.

Keats Glen

Comminutor

Mr. Boldaz reported that he hasn't prepared the bid package yet, but expects to work on it in the next month. Although a letter has been sent to the Community College the plant operator continues to see evidence of mop heads within the reactor basins. These heads have to be removed on a daily basis. Mr. Boldaz will personally inspect the sewage treatment plant, but suspects the mop head problem will continue until the comminutor is replaced.

Guthriesville General Store/Brandywine General Rental Store

Claudio DiGiamberardino, owner of the buildings, is renovating the buildings and has connected to the Guthriesville Sewer System. Mr. DiGiamberardino was sent a pro-rated bill for user fees.

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. Municipal Authority Resolution 03 of 2005 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. Until the Authority knows Mr. DiGiamberardino's specific and final plans for the buildings a determination can't be made on the number of EDUs.

Mr. Oeste stated that the Authority may consider changing the tapping fee, but it should be done by resolution, and per Act 57 it must be legally appropriate. The current tapping fee is based on calculations done by Gannett Fleming.

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. Boldaz contacted Adam Knox with Brandywine Village's management group to ask whether he responded to the violation. According to Mr. Knox, he did not receive the violation notice until last week. Mr. Boldaz requested that he provide the Authority with a copy of his response once it is sent to PADEP.

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. Municipal Authority Resolution 01 of 2005 sets limits for oil and grease discharges into the Municipal Waste water system. The Authority recommended that the shopping center install interceptors to handle the grease. Mr. Piersol wondered whether the Authority could require them to meet current Authority regulations since the Shopping Center was built in 1995. Mr. Boldaz thought there might not be enough room to install the interceptor since the sewer lines are right in front of the building.

The Shopping Center will likely connect to the public sewer system (Guthriesville Sewer) shortly after the ongoing Special Study is approved. At that time they will have to provide the Authority with a plan to deal with the grease problem. Mr. Boldaz stated that all sewer lines should be flushed out on a regular basis, particularly when oil and grease are discharged into them. He recommended that the shopping center provide documentation to the Township when this takes place. He will discuss this with Mr. Knox.

Mr. Oeste will draft a letter on behalf of the Municipal Authority requesting that Brandywine Village Shopping Center resolve the violation to the Township's satisfaction, remind them that they will eventually connect to the sewer system and the standards they will need to meet as set forth by resolution. A copy of the letter will be sent to PADEP for their files.

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 gate. During an inspection on July 20th, it was noted that the frac tank's temporary access gate does not lock. Mr. Boldaz discussed this issue with Mr. Cooke and the gate is now repaired and the area is secured.

Mr. Cooke has discussed a plan with Mr. Boldaz to eliminate the frac tank, store the influent in the pumping station wet well and collection system and then either pump and haul the septage off site or send it to the Little Washington Wastewater Treatment plant thereby eliminating the need for a pump and haul permit, which expires in December. Either option would need a new permit and agreement with the Authority. This plan would likely mean that effluent would be stored in the line, possibly up to three days. The Authority is concerned that pumping this septic wastewater to Little Washington wastewater treatment plant would create odors in the area. Mr. Kirkpatrick questioned where the septage was being transported under the current pump and haul permit. Mr. Boldaz said that the manifests show it is being transported to several locations. When the pump and haul permit was last extended PADEP asked Southdown to provide a list of alternatives for their consideration. Southdown may need to revisit this for DEP's edification. In addition, if Southdown wants the Authority to consider elimination of the frac tank they should send an amended draft permit and agreement to review.

Act 537 Plan

Mr. Boldaz provided copies of the Act 537 plan for the Authority's review. A meeting will be scheduled to review the plan once the Authority and Mr. Piersol have had the opportunity to provide comments. Mr. Boldaz stated that costs have exceeded budget by approximately \$2,000.00 because of additional evaluations of the Guthriesville Vision Plan, the Bondsville Pump Station and additional drip areas. After the additional comments have been incorporated into the plan a final draft will be submitted to Aqua Pennsylvania for their comments.

2010 Budget

Mr. Summers asked Authority members and Mr. Boldaz to provide information to be considered for the budget between now and the next meeting. Mr. Boldaz was asked to provide estimates on engineering costs for CMX, the comminutor purchase, and evaluation of the Bondsville Pump Station. In addition, Mr. Boldaz was asked to contact Pulte regarding their pump and haul costs.

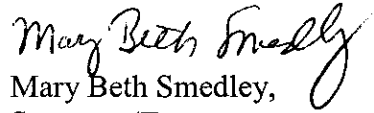
Public Comment on Non-Agenda Items

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 9:35 A.M. Mrs. Moser seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley,
Secretary/Treasurer