

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**  
**Tuesday, October 13, 2009**

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

**Absent:**

The Municipal Authority met on Tuesday, October 13, 2009, at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:30 A.M. There were two visitors from the public present.

**Minutes: September 8, 2009**

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

**Treasurer's Report**

Delinquent notices for the 3<sup>rd</sup> quarter were mailed on September 8, 2009. Municipal claims for the 3<sup>rd</sup> quarter will be filed if payment is not received by October 17, 2009.

The property at 22 Grovehill Court was not sold at Sheriff's Sale in June. On September 11, 2009, a letter was sent to Daniel Schmeig, Esq., the attorney representing the lender, concerning the sewer user fee account and requesting payment of the 3<sup>rd</sup> quarter user fees. There has been no response to date.

Invoices for the 4<sup>th</sup> quarter were mailed on September 30, 2009.

There was one settlement at Applecross in September bringing the total number of occupied homes to eighty-five, in addition to thirteen model homes and the community and fitness centers. There are no settlements scheduled so far in October.

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

### **Applecross**

Mr. Boldaz reported that the gravity sewers and installation of the force main for Pumping Station C is continuing along East Reeceville Road. The installation of drip tubing for the disposal area was completed in September. Manifolds and other associated piping is to be installed over the next few months.

Mr. Corbin asked if DEP is inspecting the drip field installation. Mr. Boldaz said that inspections are done by PA DEP at key milestones, not on a regular basis. A PADEP inspector visited the site at the beginning of construction and visits after each rain event to ensure there isn't too much moisture in the soil, which would interfere with the percolation rate of the soil. DEP will also conduct a site visit once the manifolds are installed. According to Mr. Boldaz, more drip tubing has been installed than originally designed which will likely increase the drip bed capacity. Once Pulte's engineers complete calculations for the drip beds, as-built plans will be sent to PADEP, who may approve increasing the permitted capacity.

### Hydraterra September 28, 2009 correspondence - Technical Document Review

Mr. Boldaz completed a review of the Division 1 and Division 2 Specs, which address constructability and performance, as well as compliance with State and local regulations. The review does not constitute a complete technical design review of the project. The review letter addresses the sewer agreement and how the Authority and Pulte will interact during construction. Mr. Boldaz said that he has tried to make sure the specifications are consistent with the Construction and Operation Agreement.

### Hydraterra October 1, 2009 correspondence – Technical Document Review

This letter is a review of the technical documents for the Applecross Wastewater Treatment Plant. Mr. Boldaz said that a review of the electrical and mechanical specifications was not done.

### Hydraterra October 5, 2009 correspondence - Pump Station C

Mr. Boldaz has reviewed the pump station design and he has approved the pumping station and force main in concept.

### **Weaver Tract**

K. Hovnanian previously posted a letter of credit as part of their Sewer Connection and Reservation Agreement for the Weaver Tract development. They have asked that the letter of credit be released because the Downingtown Area School District filed a

declaration of taking for the property and K. Hovnanian indicated that they no longer have an equitable interest in the property. Mr. Oeste suggested that further discussion of the release be deferred until a Sewer Connection and Reservation Agreement is in place with the School District. Mr. Oeste has drafted an Agreement that will be forwarded to the Authority, within the next week, for their review and comments.

### **Pump and Haul Permits – Applecross and Hide-A-Way Farms Development**

The Applecross and Hide-A-Way Farms Pump and Haul Permits expire in December. Mr. Boldaz said that Pulte is preparing a letter to request an extension of the existing agreement, Southdown homes is preparing a revised agreement. Both documents will be submitted for the Authority to review, for submission to PADEP..

Southdown Homes would like to remove the frac tank at Hide-A-Way Farms. Mr. Corbin asked Mr. Boldaz if DEP would object to removing the tank. Mr. Boldaz didn't think so as long as there is sufficient capacity to store the effluent in the wet well and collection system. It is Mr. Boldaz's opinion that the frac tank is a liability at the present time. Although it is surrounded by a fence, it is fairly isolated and is a target for vandalism. Mr. Boldaz will follow-up on this with Earl Cooke from Southdown.

### **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. Mr. Corbin asked if there were any recent changes in operation of the plant. Mr. Boldaz said there were no noticeable changes.

### **Hillendale**

#### Water Routing Line

A site visit still needs to be scheduled to walk the proposed water routing line. Mr. Boldaz has contacted the Chester County Conservation District again so the meeting can be scheduled. A new inspector has been assigned to East Brandywine Township and he expects to hear from him shortly. The purpose of the meeting is to ensure that mature trees can be protected along the route, to the greatest extent possible. Mr. Boldaz expects E & S controls to be discussed at the meeting as well.

#### Hydraterra October 5, 2009 correspondence – Drip Irrigation Review

Mr. Boldaz has completed a review of the engineer's report and plans for Drip Irrigation. He has taken no exception to the drawings and reports submitted for the drip dispersal system.

### Pump Station #2 Location

The Municipal Authority is concerned about the proposed site (physical location) for Pump Station #2. The pump station site is very small and the pump station itself will be located in front of several other lots and too close to homes. There will be access and maintenance issues at the pump station given the small lot size, steep slopes and proposed 15 ft. retaining wall. Mr. Boldaz reviewed Municipal Authority minutes, where this issue was discussed, and said that the Authority did not approve the location for this pump station, but considered this an unresolved item. Mr. Boldaz has had several discussions with E.B. Walsh regarding the Authority's concerns. Although Southdown's engineer believes they can meet requirements for setbacks from the property line and for the size of the driveway, it is doubtful that they can meet the lot size requirement specified in the East Brandywine Township Municipal Authority Sewer Specifications and Details.

Mrs. Moser said that she discussed the pump station location with Planning Commission members Bruce Rawlings and Steve Cushman, both of whom have concerns. Mr. Cushman will review this on behalf of the Planning Commission. Mr. Piersol and Mr. Oeste have also discussed this issue. The location isn't regulated by the Settlement Agreement and may be problematic for the Municipal Authority, who needs to approve it. The primary problem remains that the site is difficult to access and too close to homes. Mr. Boldaz will discuss this with Mr. Earl Cooke from Southdown.

Mr. Piersol asked if there would be a generator on site. Mr. Boldaz said that there will be a generator at the treatment plant that will be connected to the pump station. It appears that this generator will be sufficiently sized to provide electricity to both locations, although Mr. Boldaz did express concern over current losses over such a long distance – he will make calculations in that regard and let the Authority know of the outcome.

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

Mr. Oeste has drafted 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.

## **2010 Budget**

Mr. Summers said that he is looking for input from the Authority and Township for the 2010 Budget.

Mr. VanLew wondered whether the Keats Glen Treatment Plant and the Hopewell Pump Station should be inspected. The Keats Glen Treatment Plant is approximately ten years old and the Hopewell Pump Station is about eight years old. Mr. Corbin stated that inspections are typically done when a problem occurs, unfortunately most entities aren't proactive. Mr. Boldaz suggested that the Authority might consider televising the sewer infrastructure over a four year span, wait four years and then do the inspection again. Mr. Boldaz will provide estimated costs for Mr. Summers. Mr. Piersol said that the Township has used West Goshen Township's camera in the past.

Mr. Summers suggested that funds be allocated for maintenance and replacement of some equipment for the Keats Glen Treatment Plant. Additionally, Mr. Boldaz will provide an estimate for the cost of the comminutor. There are no anticipated improvements at the Hopewell Pump Station for 2010, although if the pump station needs to be expanded as a result of the Special Study that may change. If that is the case, the Authority expects those improvements to be paid by new developers who will discharge to the sewer system. Mr. Summers also suggested adding funds to the Keats Glen and Hopewell Sinking Accounts. Keats Glen may require future chemical treatment to meet future permit limits.

Mr. Kirkpatrick asked if a rate adjustment would be needed for customers in 2010. Mr. Summers doesn't think so, but he will know more by next month's meeting. At the present time the Keats Glen rate payers are still not covering all of their costs due to the repairs done at the treatment plant.

The expiration date of the Operation and Maintenance Contract for Keats Glen needs to be determined to see if it should be extended or re-bid. Mr. Piersol will look into this.

## **Act 537 Plan**

Mr. Boldaz stated that costs have exceeded the budget by approximately \$2,000.00 because of additional evaluations of the Guthriesville Vision Plan, the Bondsville Pump Station and additional drip areas. He estimates there will need to be an additional \$6,000 spent to complete the study. Mr. Boldaz was asked to provide a breakdown of the additional costs for the Authority and Board of Supervisors to review. PADEP will reimburse the Township and Authority for 50% of the costs once the Study is completed and approved.

**Notices – Executive Sessions**

The East Brandywine Township Board of Supervisors and Municipal Authority met in Executive Session on October 7, 2009 to discuss legal issues with their respective Solicitors.

The East Brandywine Township Municipal Authority will meet directly following this meeting to discuss legal issues with their Solicitor.

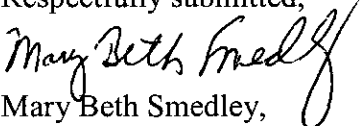
**Public Comment on Non-Agenda Items**

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

**Adjournment**

There being no further business Mr Summers made a motion to adjourn the meeting at 8:35 A.M. Mr. Kirkpatrick seconded the motion, with all voting Aye.

Respectfully submitted,

  
Mary Beth Smedley,  
Secretary/Treasurer