

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, November 10, 2009

Those in Attendance:

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

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:

Sandra Moser, Member

The Municipal Authority met on Tuesday, November 10, 2009, at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:30 A.M. There was one visitor from the public present.

Minutes: October 13, 2009

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

Treasurer's Report

Only one customer remains delinquent for the 3rd quarter. A municipal claim will be filed shortly. A delinquent notice was sent to one customer for nonpayment of prorated user fees for the 3rd quarter. A delinquent notice will also be sent to the attorney representing the lender on the Sheriff's Sale at 22 Grovehill Court.

There were two settlements at Applecross in October, bringing the total number of occupied homes to 87, in addition to 13 model homes and the community and fitness centers. There is one settlement scheduled so far in November.

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

Applecross

Mr. Sam Carlo, Land Development Manger from Pulte Homes, attended the meeting to discuss proposed changes to the portion of the development north of East Reeceville Road. Mr. Carlo explained that Pulte has done some marketing studies, suggesting that they modify the currently approved design. Pulte hopes that by modifying the design from what is currently approved, they will generate more sales. According to the studies, single family detached homes are more marketable than townhouses, although they will continue to offer townhouses in a portion of the development. The changes will result in a 98 unit loss of density. Pulte hopes to gain some additional density south of East Reeceville Road, but those plans have yet to be submitted to the Township.

Mr. Carlo was asked to discuss the change in flow to the treatment plant. Using 225 gpd per edu, the net reduction will be approximately 22,050 gpd, which is a significant reduction in flow. Again, Mr. Carlo said that Pulte hopes to pick up at least a portion of the density elsewhere in the development, which would restore some of the flow. Changes to the southern portion of the property will necessitate a zoning change. Since that process can take some time, Pulte first wants to finalize the changes to the northern development through an amendment to their Settlement Agreement with East Brandywine Township.

Mr. Carlo was asked what sort of homes might be constructed on the southern tract. He said most will be smaller single family homes, although there are still a few estate homes to be built. Although the proposed modifications to the plan won't change the allocation, Mr. Boldaz said they will change the total flow to the Bondsville Road Pump Station since the homes on the south side will likely flow through this station. An additional 20,000 gpd through the pump station would be significant and, depending upon other developments that connect to the sewer system, may require the pump station to be upgraded.

Mr. Oeste said that the loss of customers may affect the sewer rates as some point. He said that the Authority should consider what ramifications this might have for the Authority, and also for Pulte's obligation. In addition, smaller homes may affect the operation and maintenance costs for the treatment plant.

Mr. Boldaz said that he has seen the proposed changes and doesn't expect to have many comments. The sanitary layout is slightly modified and the lateral locations have changed, but there are no other major revisions to the sewer system.

The golf course is in the growing stage. Mr. Carlo said that it has to go through two growing stages before the golf course operator takes over. He expects that to be in May or June of next year. Currently, Pulte is purchasing some water from Aqua Pennsylvania to irrigate the golf course. Mr. Carlo said that they are also using water from the lagoons, which are full, thanks to an abundance of rainfall this year. Mr. Carlo was asked if

memberships would be opened to the public. He said that some memberships would be offered to the public.

Mr. Boldaz stated construction of the cast-in-place slab and pre-cast concrete walls for the tanks is the responsibility of Dutchland, Inc., and has been bid separately. Shop drawings required prior to fabrication have not been submitted. Mr. Carlo hopes that the pricing for the tank is less expensive than previously anticipated. Installation is scheduled for the winter of 2010.

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.

Pulte Pump and Haul Permit

Pulte Homes has requested an extension of the pump and haul permit for the Applecross Country Club. The current pump and haul permit will expire on December 15, 2009. The Authority approved the extension. Mrs. Smedley will send a letter to PADEP, on behalf of the Municipal Authority, requesting an 8-month extension.

Downingtown Area School District

A copy of the Sewer Capacity Reservation and Purchase Agreement has been sent to the School District's Solicitor for his review.

At last week's Planning Commission meeting, and in other previous meetings, School District representatives have indicated that they will set aside areas in the northwestern portion of the property for drip fields, although they may want to relocate the drip fields if another suitable location can be found that is agreeable to the Municipal Authority. The Authority's preference is to have one disposal area, but this can be discussed if the School District offers alternative areas. More than two or three areas would not be acceptable. Any proposed changes would mean a revision to the Act 537 plan, as well as additional soil testing.

Mr. Boldaz said that he has had discussions with a representative from DeVal Soils regarding submission of the Sewage Facilities Planning Module. The Planning Module should plan for, design and permit 63,177 gpd of drip dispersal capacity, although the School District only has to build drip fields for their capacity plus 50%, which is 12,938 gpd. A new developer would be required to build-out the remainder of the drip field in the future. Once submitted, Mr. Boldaz will review the Planning Module for completeness and make sure it has been submitted for the property capacity.

Pump and Haul Permits –Hide-A-Way Farms Development

Mr. Boldaz reported that yesterday he received an amendment to the pump and haul agreement from Evans Mill Environmental. The current approval provides for off-site pumping of wastewater until the pump station that was constructed to serve the project becomes operational. Under the proposed amendment, the sewage collection system and pump station wetwell would be used for wastewater storage, and the frac tank that is currently used for storage would be removed. The wetwell and the collection system will provide 8,690 gallons of storage capacity, which will be sufficient for up to 14 homes, plus two model homes. If the pump station is still not operational when the fourteenth home is under construction the frac tank will be returned to the site and utilized until such time that the pump station is operational.

Mr. Boldaz supports this request. It is his opinion that the frac tank is currently a liability. Mr. Boldaz was asked if removal of the frac tank could increase the likelihood of a sewage overflow. He said that the system would still be alarmed, but that he could make sure there was a contingency plan to ensure there were no overflow situations. Mr. Kirkpatrick made a motion to support amending the pump and haul agreement pending Mr. Boldaz's review. Mr. Summers seconded the motion, with all voting Aye.

Keats Glen

Comminutor

Mr. Boldaz reported that he hasn't prepared the bid package yet, but expects to work on it in the next two months.

Operations Agreement

Mr. Tom Czop, Operations Manager for Applied Water Management provided an email to Mr. Piersol which stated that they would not be raising their fees for the operation of the Keats Glen Treatment Plant in 2010. Mr. Anthony made a motion to extend the Applied Water Management through 2010 with the terms and costs as outlined in the 2009 contract. Mr. Summers seconded the motion, with all voting Aye.

Hillendale

Water Routing Line

Mr. Boldaz will contact Tim Townes from Southdown Homes to schedule a site visit to walk the water routing line. Members of the Municipal Authority and Planning Commission, as well as a representative from the Chester County Conservation District, will be invited. The purpose of the meeting is to ensure that mature trees can be protected along the route, to the greatest extent possible.

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.

In a letter to PADEP dated September 9, 2009, Adam Knox, the Property Manger for Brandywine Village Associates, responded to the Violation. He stated that on July 20, 2009 he was contacted by Applied Water who informed him of a discharge from a manhole in the rear of the property. Mr. Knox called PreDoc, who responded and pumped out the sewage from the manhole. Upon entering the manhole, it was discovered that there was a grease buildup in the 6” sewer line leading from the manhole to the sewer plant. PreDoc started to clean out the equipment immediately and finished the next day. According to Mr. Knox, the pumping station and stores are cleaned out on a quarterly basis, and have been since the opening of the shopping center. He said that the manholes and lines will be inspected annually. Mr. Boldaz will contact Mr. Knox to discuss this and what steps should be taken to ensure there are no further overflows.

Act 537 Plan

Mr. Boldaz submitted revised costs for the Act 537 Plan for the Authority to review. During the study process it was determined that the original scope of services would require revisions to reflect development changes in the Township. The original proposal was approved for a fee of \$26,500. The changes will result in an increase of \$8,730.00, bringing the cost to complete the Study to \$35,230.00. PADEP will reimburse the Township and Authority for 50% of the costs once the Study is completed and approved.

After review of the proposal Mr. Kirkpatrick made a motion to approve the revised proposal subject to the Board of Supervisors review. Mr. Summers seconded the motion, with all voting Aye. A copy of the proposal will be forwarded to the Board. Mr. Piersol said that he will add this item to the 2010 budget. Mr. Piersol will draft a letter to PADEP outlining the additional scope of work.

2010 Budget

Mr. Summers provided a preliminary 2010 budget for Authority members to review. He said that he is not recommending a rate increase for any of the sewer customers for next year.

Changes in PADEP’s Discharge Monitoring Loads may necessitate additional chemical treatment for the Keats Glen Sewer Treatment Plant in 2011. Mr. Boldaz was asked if the Authority should budget funds for this next year. Mr. Boldaz indicated that it

wouldn't be a large capital project, so he didn't recommend additional funds be set aside in 2010. Mr. Summers was asked if the cost of the comminutor was built into the budget. He did consider the costs for it. Operation and Maintenance costs at Keats Glen could change, depending on enrollment at the Community College. Mr. Boldaz said that he contacts the College every year to obtain a new enrollment forecast, which he needs to complete the Chapter 94 report.

There were no other comments on the budget. The final budget will be presented at the December 8th Municipal Authority.

Engineering Reimbursement

Mrs. Smedley reported that several individuals who requested information, or consultation from the Authority Engineer, have either not reimbursed the Authority or have complained about the costs. Mr. Oeste will prepare a resolution outlining the responsibilities and costs so that an escrow can be established for these expenditures.

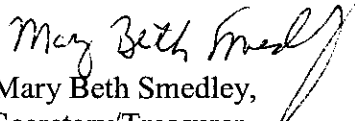
Public Comment on Non-Agenda Items

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 8:55 A.M. Mr. Anthony seconded the motion, with all voting Aye.

Respectfully submitted,


Mary Beth Smedley,
Secretary/Treasurer