

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, May 11, 2010

7:30 A.M.

Those in Attendance:

Gerald Kirkpatrick
David Summers, Treasurer
Sandra Moser, Member

Absent:

Michael H. Corbin, Chairman
Joseph Anthony, Secretary

Also in Attendance:

Scott T. Piersol, Township Manager
Thomas Oeste, Esq., Municipal Authority Solicitor
Joseph Boldaz, Municipal Authority Engineer
Chris Brendza, Hydraterra Professionals
Matthew VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, May 11, 2010 at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:35 A.M.

Minutes: April 13, 2010

Mr. Kirkpatrick 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. Mrs. Moser seconded the motion, with all voting Aye.

Treasurer's Report

Mrs. Smedley provided the Treasurer's report and a list of invoices for payment. Mrs. Moser made a motion to approve the Treasurer's report and authorize payment of bills. Mr. Summers seconded the motion, with all voting Aye.

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Hydraterra Correspondence – April and May Shop Drawing Submittals

Mr. Boldaz reported that he has been reviewing shop drawing submittals for the past several months. The Dutchland Tank drawings were approved last week. Mr. Boldaz received a revised construction schedule and said that construction of the treatment plant base slab most likely won't start until August of this year. This will likely push the project past the original start up date of September of 2011. The structural review

indicated possible cracking if the tanks were left empty and as a result, modifications to the design were needed. Dutchland revised the plan decreasing the spacing between steel reinforcement and increasing the size of the reinforcement, which Mr. Boldaz now believes is adequate. The tanks are expected to be delivered in late August or early September. The construction schedule shows that they will be addressing punch list items in October of 2011, not August as had previously been anticipated.

Currently, the contractor is installing manifolds for the drip fields. Mr. Boldaz suggested that this would be a good time for Authority members to visit the site, if they wish to do so. Mr. Brendza continues to monitor the construction progress. The manifolds will be exposed for at least the next few weeks. Mr. Boldaz said that the northern drip fields will be completed first, and then the south drip fields. PADEP will be on-site twice to inspect them. The golf course driving range is expected to open around the 4th of July.

Keats Glen Comminutor Installation Project

Heisey Mechanical, the low bidder, submitted a draft copy of the contract and a revised insurance certificate, which was reviewed by Mr. Oeste and Mr. Boldaz. Mr. Oeste provided comments to incorporate into the contract. Mr. Boldaz said that it is close to being finalized. He expects the comminutor project should be done by summer.

Mr. Moser asked about the length of time the plant would be shut down. Mr. Boldaz anticipates a day, but said that there is sufficient holding tank capacity to prevent any operational issues. There haven't been any recent problems at the plant and the Discharge Monitoring Reports are within limits set by PADEP.

Mr. Boldaz was asked if it would make sense for the comminutor to be installed when the Community College was on break. Mr. Boldaz said he didn't think it was necessary to do that.

Mr. VanLew and Mr. Boldaz were asked if there were any issues with the pipes at the treatment plant. They haven't heard of any problems. The plant operator usually contacts one of them if there are any issues.

Heritage Metal Works

Hydraterra has reviewed the Heritage Metal Works Sewer Application and provided comments in their April 26, 2010 correspondence. The Industrial Wastewater Discharge Survey indicates that industrial wastewater is to be generated on-site and discharged to the public sewer system. The application indicated that there were several processes that would fall under federal regulations for pretreatment standards. Since East Brandywine Municipal Authority is not required to have an Industrial Pretreatment Program, the reports would need to be submitted directly to EPA, with copies provided to East Brandywine Township.

Mr. Kirkpatrick asked if it would be reasonable to request that a waste sample be submitted to the Authority on a quarterly basis. Mr. Boldaz said that he believes there is an Authority Resolution that allows them to request sampling. He suggested that the Authority contract with a company to take the sample and analyze it, rather than relying on the business owner.

Mr. Boldaz was asked if the Authority could require other non-residential uses to provide samples as well, such as restaurants. This will help insure that these businesses aren't causing an upset in the treatment plant. Mr. Boldaz said that it could be considered and that he would look into pricing for the Authority to review. Mrs. Moser asked whether testing may have prevented the problem with grease traps at the Brandywine Village Shopping Center. Mr. Boldaz said that it may have helped determine that there was a problem earlier. Although there are certain prohibited discharges, the Authority doesn't require sampling at this time. Mr. Oeste and Mr. Boldaz will review the Resolution and suggest changes.

Act 537 Plan

Comments on the Act 537 Plan have been received from Little Washington Wastewater Treatment Plant and Pulte Homes. Mr. Oeste and Mr. Boldaz have reviewed the Little Washington comments and Mr. Boldaz is preparing a draft response. He will share this information with the Township and Authority prior to sending it out. Pulte's comments were just received yesterday, so Mr. Oeste and Mr. Boldaz will review them as well and respond to them as well. The responses will be forwarded to PADEP as part of the Act 537 submission. Mr. Boldaz said that it would probably be beneficial to meet with a representative from Aqua Pennsylvania to review the Act 537 plan prior to formal submission.

Public Comment on Non-Agenda Items

Mr. Kirkpatrick asked if there were comments on non-agenda items. Mr. James McErlane, attorney for the Downingtown Area School District asked to address the Authority regarding the Sewer Reservation Agreement.

Downingtown Area School District

Mr. Lee Snodgrass, Director of Facilities and Mr. James McErlane attended the meeting to address the Authority regarding public sewerage. Mr. McErlane said that the School District was told that they needed to step into K. Hovnanian's shoes, but, by his calculations (provided) he was of the opinion that the Authority was asking the School District to pay for 44%, or approximately 2.8 million dollars of the costs of the treatment plant; this was not what he believed the School District had in any way committed to. He said that the School District considered this to be grossly unfair and that the School District will not impose those costs on their tax payers. Mr. McErlane said that the School District was willing to contribute a sum not to exceed \$1,583.656, which

represents 22.45% of the costs and pay a flat fee of \$26,000 per year for five years. Mr. McErlane said that from his perspective, the Township and School District are at an impasse.

Mr. Kirkpatrick offered a different perspective. Mr. Kirkpatrick stated that the School District was on record on several different occasions stating that they would stand in K. Hovnanian's shoes; that this was not a Municipal Authority demand, but rather a long-standing School District offer.

Mr. Oeste stated that he had no idea how Mr. McErlane calculated the 2.8 million dollar figure since that figure was never identified or discussed with the School District as an amount that was expected to be paid. Mr. Oeste was very surprised at Mr. McErlane's statements since this isn't what the Authority ever represented to the School District. The Municipal Authority assumption was that the School District would be responsible for K. Hovnanian's capital contribution.

Mr. Kirkpatrick noted that Township has been waiting since October of 2009 for a counter-proposal from the School District with regard to what the District believed would be an "acceptable" cost for the District and its taxpayers. The proposal was just received four days ago. During that time the Township and Authority have had no indication of what the School District might be willing to do although District representatives have made it clear on several occasions what they are not willing to do.

Mr. McErlane said that perhaps he misunderstood what was expected of the School District. He thought that the Authority wanted the School District to take on K. Hovnanian's responsibility, as well as others that might connect to the sewer system. Mr. Kirkpatrick again stated that the Authority had made clear on several occasions that in fact, that is what the District offered; not what the Authority wanted.

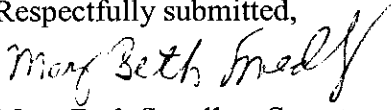
Mr. McErlane then discussed the proposal forwarded to the Township and Authority. He said that he hoped the School District could be reimbursed by Pulte for the capital contribution sometime in the future, but that while not absolutely required, that was a detail that could be discussed at a later date.

Mr. Kirkpatrick verified that the district was willing to pay, in a single lump-sum payment, the amount of \$1,583,656 of the capital cost associated with the treatment plant construction. Mr. Kirkpatrick said that the Authority will consider the School District's proposal and get back to them shortly.

Adjournment

There being no further business, Mrs. Moser made a motion to adjourn the meeting at 8:40 A.M. Mr. Summers seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley, Secretary/Treasurer

Executive Session

The East Brandywine Township Municipal Authority met in Executive Session directly following the regular meeting to discuss the Downingtown Area School District Sewer Reservation Agreement and other legal issues.