

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, June 14, 2011

7:30 A.M.

Those in Attendance:

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

SCANNED

Also in Attendance:

Scott T. Piersol, Township Manager
Matthew T. VanLew, Roadmaster
Thomas Oeste, Esq., Municipal Authority Solicitor
Joseph Boldaz, Municipal Authority Engineer
Mary Beth Smedley, Secretary/Treasurer
Jan C. Bednarchik, Assistant Secretary

The Municipal Authority met on Tuesday, June 14, 2011, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:30 A.M. There were six visitors present.

Minutes: May 10, 2011

Mr. Kirkpatrick asked if there were any additions or corrections to the above minutes. There were no suggested changes. Mr. Summers made a motion to approve the May 10, 2011, minutes 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. Mr. Anthony made a motion to approve the Treasurer's report and authorize payment of the invoices as presented. Mrs. Moser seconded the motion, with all voting Aye.

Mrs. Bednarchik advised that one municipal claim will be filed for nonpayment of the first quarter user fees. Also, one customer has not made payments in accordance with the payment agreement. The Authority concurred with Mrs. Bednarchik's suggestion to wait until the next meeting before taking any further action toward collection.

There were four settlements at Applecross in May. The total number of occupied homes is 152 plus the Applecross Country Club.

Applecross

May and June 2011 Hydraterra Correspondence

Mr. Boldaz reported that construction continues at the wastewater treatment plant. Several letters were issued during the month of May regarding shop drawings, transformers and other electrical equipment.

Pump Station A Acoustical Evaluation Update

Mr. Boldaz reported that he received the revised acoustical evaluation proposal for the pump station yesterday and will forward it to Mr. Creeger. The revision includes a comparison of Pump Station A with industry standards and remediation for reduction of sound levels. The proposal was received from BRD Noise and Vibration Control, Inc., the low bidder for the Request For Proposals at the pump station.

Mr. Boldaz also noted that an operator will be needed in August or September to operate the treatment plant. Pulte has someone to operate Pump Station A, but the Authority doesn't have anyone on record to operate the treatment plant. Citing the separation between the Authority and Pulte on the Construction Agreement Amendment issues, he suggested it would be in the Authority's best interest to issue a Request For Proposals for an operator. Mr. Anthony moved to authorize Mr. Boldaz to prepare an RFP for a treatment plant operator. Mr. Summers seconded the motion, with all voting Aye.

South Caldwell Sewer Easement – Giannone Property

Mr. Piersol reported that he, Mr. Boldaz, and Mr. VanLew met at the Giannone property at 329 S. Caldwell Circle last month to take a look at the situation regarding the close proximity of the sanitary sewer easement to the Giannone home which would preclude the owner from being able to build a deck. Details have been worked out to allow the Giannones to construct a deck and patio which would be located partially within the sewer easement but not over the sewer main. Pulte has been asked to provide an additional five foot in width to the easement across the Giannone property, for a total width of twenty-five feet rather than twenty feet. The additional width on the lower side of the Giannone property will allow the Municipal Authority a reasonable work area on this property, should a need arise in the future for excavation of the sewer line. In exchange for Pulte providing an additional triangle of land to resolve the setback issue, the Giannones have agreed to sign a document to be prepared by Mr. Oeste acknowledging that, in the event the Authority needs to enter upon the easement to do repair work, they will not hold the Township or Authority responsible for any removal, damage or repairs to their deck or patio.

Mr. Oeste requested a plot plan from Mrs. Giannone showing the exact location of the proposed deck and patio in relation to the sewer easement. He advised the agreement will be recorded against the property and will be binding upon future homeowners. It was made clear this exception is being granted because of an error with the building envelope. Mr.

Oeste will have the paperwork ready for next month's agenda. Mrs. Giannone agreed to pay the engineering and legal fees incurred in this matter.

Wastewater Treatment Plant/Pump Station B Update

Mr. Boldaz reported that startup of the treatment plant is on schedule for August or September. The driveway access to the pump station, which was overlooked in the design phase, will be an addition upon approval by the Authority and Pulte. There will be a reduction in costs as a result of the elimination of some equipment in the control building. The wet well and valve vault have been set and are connected into the sewer system. Hydraulic testing will be conducted on both reactors, but only one reactor will be operating initially because daily flows will be well below the design flow of 200,000 gallons. Mr. Creeger advised that Pulte will stop purchasing water from Aqua in August or September in anticipation of accepting flows from the plant, and advised there is sufficient storage capacity in the lagoons. Mrs. Moser inquired whether Pulte is satisfied with the lagoon aeration from the windmills and whether it is sufficient to control algae. Mr. Creeger replied that electric aerators treat the top surface of the water, while the windmills aerate below the surface. Presently, lagoon #1 at hole #9, is not being supplied any water from the wastewater treatment plant, but the water will be flowing in the future upon startup of the treatment plant. He is satisfied with the amount of algae under present conditions.

Brandywine Center (Giant)

Sewer Connection Request Update

Mr. Oeste reported that he has been working with Mr. Kaplin to negotiate a sewer reservation agreement between the Township, Municipal Authority, and the developer. The draft agreement covers several issues, one of which is the connection of the project to the public sewer system. The agreement allocates 8,000 gallons per day for the existing shopping center and 6,000 gallons per day for the new East Brandywine Center (EBC) and requires the future connection of the Brandywine Village Center. The draft agreement has been submitted to the Township for review.

Mr. Marc Kaplin described the proposed routing of the sewer connection starting at an existing manhole located approximately seventy-three feet into Brookhaven Lane and continuing along North Guthriesville Road and across the parcel the Township will acquire in connection with construction of the road. From that point, it is a straight route via gravity to pick up the existing shopping center and bank, crossing underneath Route 322 to the Bondsville Road pump station. Depending upon when EBC connects and when the Applecross pump station is connected, EBC will be serviced either by Applecross or the Little Washington WWTP. A tapping fee will be paid for the EBC based on the Authority's final decision on the per gallon treatment cost and per gallon disposal cost, presently estimated to be \$30/gallon and \$15/gallon, respectively, whether EBC is connected to Applecross or Little Washington. Mr. Kaplin further stated the agreement specifies the Authority is free to use the tapping fees for its own purposes without having to wait until Applecross is connected. In addition, the agreement reserves up to 8,000 gallons per day for

the existing shopping center and specifically requires the Blairs and Brandywine Associates to make application for connection to the public sewer and terminate the existing private cross easement agreement and decommission the sewage treatment plant on the EBC site. In accordance with the agreement, the first thing the Carlino Group will do is extend the gravity sewer from North Guthriesville Road to allow Blair to connect and decommission its current sewer system while construction of EBC is underway. Mr. Kaplin emphasized the need to have the signed agreement to present to the judge in the pending lawsuits between Carlino and Blair.

With regard to the planning module submission, Mr. Kaplin stated that most of the comments made by Mr. Boldaz have been incorporated in the plan revision. However, reference to the Township's Act 537 Special Study and rerouting of the sewer flows to the East Brandywine Township Wastewater Renovation Facility were not included. As Mr. Kaplin previously mentioned, EBC will connect to whichever facility the Authority deems it should go. It was Mr. Kaplin's opinion that the Special Study is a separate issue from the planning module, and he cited DEP regulations which state that a planning module cannot be denied nor found to be inadequate because a municipality has failed to submit a special study or because a special study is currently under review by the Department. At such time as the future rerouting to the East Brandywine facility is feasible, the flows from EBC will be rerouted from the Little Washington Wastewater Treatment Plant.

Mr. Kaplin noted that discussions are underway to acquire a portion of the adjoining Spence property which will contain a proposed public sewer line to receive flow from the shopping center. If the acquisition is successful, the land will eventually be dedicated to the Township in accordance with the agreement. However, if the developer is not successful in acquiring the property, the Township has agreed to utilize the process of eminent domain since it is for a public purpose to provide access to the sewer line.

Mr. Kaplin noted that final plans have been submitted, and the Township Engineer is completing his review. Mr. Kaplin expects to appear before the Board of Supervisors in July. He expressed his desire to keep the planning module submission as simple as possible and reiterated his need to finalize the sewer reservation agreement as quickly as possible.

Mr. Oeste summarized the reason the agreement is being negotiated is because the preliminary land development approval requires that an agreement be entered into between the developer, the Township and the Authority; and, because the Authority has determined that this property should utilize the public sewer system, the agreement memorializes the purchase of sewer capacity.

Mr. Boldaz said his only concern is whether the planning module may be delayed for a prolonged period by DEP because of the pending Special Study, and he reserved the right to make additional technical comments as a follow up to his review letter of May 28, 2011. Mr. Kirkpatrick suggested that either Mr. Oeste or Mr. Boldaz call DEP in advance to explain the situation to head off any questions or surprises. Mr. Kaplin will direct Fred Ebert to insert the final alternatives analysis into the planning module package and provide a final copy to Mr. Boldaz. Mr. Boldaz mentioned the planning module still needs to go through the review

process by the Chester County Health Department and Planning Commission, the Township Planning Commission, and public notice. Mr. Kaplin expects to be back next month in anticipation of getting the agreement signed, and he will plan to meet with the Township Planning Commission in conjunction with approval of the final plan.

Mr. Summers inquired whether there is a proposed connection for the remainder of the Watters property. Mr. Oeste advised there is no connection in a westerly direction from what is referred to as the connector road.

Brandywine Village Shopping Center

Mr. Boldaz reported that DEP issued a Notice of Violation to Brandywine East Associates for exceeding the effluent limitations for TSS and CBOD for the months of January through April, and the Operator believes the results will be similar for the month of May. Mr. Boldaz surmised that one of the commercial establishments has discharged some sort of high strength ammonia that is killing the biology. The daily flow at the plant is only about 4,000 to 5,000 gallons per day, so according to Mr. Boldaz, it doesn't take much to upset the plant's microbiology. The Operator advised yesterday that the plant has been shut down completely for a thorough cleaning, and McGovern is pumping and hauling from the site.

Mr. Anthony inquired whether the tenants have been contacted to ask whether they have changed their cleaning process. Mr. Boldaz advised the source of the contaminant is under investigation, and added that the Authority will need to make sure there are points of sampling to quickly detect for contaminants before they get to the treatment plant. Mr. Kirkpatrick noted the existing ordinance requires the influent to be at a certain quality and there are provisions for penalties for violation. Mr. Boldaz stated it is difficult to determine the source of excess grease, for example, that may be dumped directly into a floor drain of a restaurant in a strip mall without the use of an external grease interceptor and a sampling manhole. Mr. Oeste stated he and Mr. Boldaz are working on a comprehensive revision of the regulations with regard to installing and maintaining grease traps.

Act 537 Special Study

Mr. Boldaz reported the Act 537 Special Study was submitted in November 2010, and DEP issued a review letter in February determining the submittal is administratively incomplete and recommending the Special Study be withdrawn until a new Township-wide Act 537 plan is completed. The planning module for the proposed East Brandywine Center eliminates a drip area of 12,000 gallons per day associated with the Brandywine Village Shopping Center, so the Study will have to be revised to eliminate that disposal area. The current deadline for resubmission of the Special Study is September 9, 2011. The Authority may need to request another extension because there are inconsistencies between the Special Study and the Act 537 Plan related to the Brandywine Village Shopping Center, Applecross, conveyance of the Guthriesville flows, and the planning module for East Brandywine Center.

Mr. Kirkpatrick asked whether the Authority should request an extension now or perhaps consider withdrawing the Special Study. Mr. Boldaz replied the Authority could wait until September 8th because this is a voluntary revision to the Act 537 Plan. Mr. Oeste cautioned that withdrawal of the Special Study could jeopardize reimbursements for the work completed to date. Mr. Oeste agreed with Mr. Kirkpatrick's earlier suggestion that either he or Mr. Boldaz should contact DEP to seek their guidance on the best way to proceed.

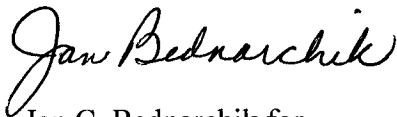
Public Comment on Non-Agenda Items

Mr. Arnie Kring, 83 Winterberry Drive, informed the Authority of the Public Utility Commission's decision on the odor complaint and the rate increase for customers of the Little Washington sewage treatment plant. Per the PUC's 21-page order, Little Washington will be required to contact an expert with experience in controlling wastewater odors for assistance in resolving this issue and will be required to file progress reports with the Office of Consumer Advocate in Harrisburg. With regard to the rate increase, the PUC approved a unified rate structure for all customers served by Little Washington at \$93.95 per month, which means a rate increase for some customers and a reduced rate for others.

Adjournment

There being no further business, Mrs. Moser made a motion to adjourn the meeting at 8:50 A.M. Mr. Summers seconded the motion, with all voting Aye.

Respectfully submitted,



Jan C. Bednarchik for
Mary Beth Smedley, Secretary/Treasurer