

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**

**Tuesday, April 11, 2006**

**7:30 AM**

**Those in Attendance:**

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

**Also in Attendance:**

Scott T. Piersol, Township Manager  
Matthew VanLew, Roadmaster  
John Spangler, Municipal Authority Solicitor  
Joseph Boldaz, Municipal Authority Engineer  
Mary Beth Smedley, Secretary/Treasurer

The Municipal Authority met on Tuesday, April 11, 2006 at the East Brandywine Fire Company. There were 15 visitors present. Mr. Corbin called the meeting to order at 7:30 AM.

**Minutes: March 14, 2006**

Mr. Corbin asked if there were any corrections or additions to the above minutes. There were none. Mrs. Moser made a motion to approve the March 14, 2006 minutes as presented. Mr. Anthony seconded the motion, with all voting Aye.

**Treasurer's Report**

Mrs. Smedley read the Treasurer's Report for March/April 2006. The Municipal Authority account balance as of April 11, 2006 was \$59,493.15. Mrs. Moser made a motion to approve the Treasurer's Report and authorize payment of the bills. Mr. Summers seconded the motion, and the motion was approved by unanimous vote.

Mr. Summers stated he would like to work with Mrs. Smedley to establish a Capital Reserve Fund. Mrs. Moser made a motion to establish a Municipal Authority Capital Reserve Fund. Mr. Anthony seconded the motion, with all voting Aye.

**Guthriesville Sewer District – Dedication of Phase IV, the Wright Agency and the Fling/Neff Property**

Mr. Stephen Gallo from Rouse/Chamberlin Homes provided documentation required by the East Brandywine Township Municipal Authority to accept dedication of the public sanitary sewer system of the Hopewell Phase III and Phase IV development, inclusive of the improvements to Kristin Circle, low pressure force main to the Wright Agency, and the collection system from Manhole 3V to 1A. Some of these phases include some specific portions of the system intended to serve the existing residents of the Village of Guthriesville.

The documents have been reviewed by Mr. Spangler and Mr. Brown and found to be in order except that a copy of Rouse/Chamberlin's certification stating that as-built drawings are in accordance with the actual construction for the Phase IV, Kristin Circle, and revised Phase I (low pressure sewer for the Wright Agency and sewer from the Township Building to Bondsville Road) sewers. Mrs. Smedley stated that Mr. Gallo provided the certification prior to the meeting.

Mr. Summers made a motion to accept dedication of Phase IV, the Wright Agency and the Fling/Neff property. Mr. Anthony seconded the motion, with all voting Aye.

**Applecross Development (AKA Overlook Road Farm)**

The applicant is proposing to build a combination of single family homes, carriage homes, and townhouses for a total of 655 units on both the north and south side of East Reeceville Road. The plan also shows an 18-hole Jack Nicholas-designed golf course with a clubhouse. The property encompasses approximately 621.74 acres of land, comprised of 307.58 acres north of East Reeceville Road and 314.16 acres south of East Reeceville Road. The southern portion is a 310 acre tract located in the R-2 Zoning district and proposes single family homes on individual lots and approximately half of the golf course. The portion of the property north of East Reeceville Road was part of a settlement agreement that concluded in April of 2004. The applicant submitted a subdivision plan for the south side of East Reeceville Road based on the requirements of the R-2 Zoning District and was granted preliminary plan approval in March of 2004.

The "North Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-3 Residential Zoning District in conjunction with the Settlement Agreement dated April 1, 2004. The "South Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-2 Residential Zoning District. The project is proposed to be constructed in five phases.

Ray Grochowski, Fred Ebert, Jeremy Madaras, John Curtin, Louis Colagreco, Esq. and Theresa Lemley, Esq. attended the meeting on behalf of Pulte Homes.

Construction and Operations Agreement

Mr. Corbin stated that he appreciated the effort taken to revise this agreement.

Mr. Grochowski just recently received the most recent revisions. He said that he was in agreement with all the changes except to Section II.D related to Design Capacity. The Design Capacity definition stated that it shall mean 300,000 gallons per day, which is the aggregate volume of wastewater which can ultimately be treated by the Sewage Facilities as planned. The Municipal Authority would like this revised since although theoretically 300,000 gpd per day can be treated, the "operating capacity" of the plant will be less than the design capacity so that the flow limits are not exceeded. The Municipal Authority suggested using 270,000 gpd. Mr. Colagreco was concerned that if the 300,000 gpd number wasn't used that all users would be paying an artificially high rate for sewer use and if it were pro-rated, the Applecross development would be paying the highest share. Mr. Colagreco stated that all sections related to Design Capacity should use 300,000 gpd, not 270,000 gpd.

In addition to the higher cost, Pulte has already agreed that if sewage flows from the Guthriesville Sewer District are redirected to the Applecross treatment plant, they will not be entitled to, nor will the Municipal Authority be responsible for, reimbursement of the connection up to 50,000 gpd. Mr. Grochowski and Mr. Colagreco would like to come up with an equitable allocation for the edu costs for all of the users (Pulte, K. Hovnanian, Gambone and the Village of Guthriesville) that reflects their proportionate share using 300,000 gpd since this is the number for which the plant is being designed.

The Secondary Discharge beds comprising five acres under the driving range have a total capacity to dispose of 51,000 gpd, 30,000 gpd of which can be used to dispose of the effluent from Guthriesville Sewer District. Two flanking fields will be eliminated as not feasible. Area still needs to be found to dispose of the other 20,000 gpd from the Guthriesville Sewer District. It is also hoped that the golf course will be able to apply additional quantities of effluent to minimize use of the secondary beds and stream discharge. The Municipal Authority discussed several areas including the Township's municipal complex and the Community Park on Dilworth Road. They will continue to search for an area that might be appropriate for disposal and requested Pulte to maximize capacity in the secondary beds. Mr. Grochowski stated that he would like to eliminate the pump station on Bondsville Road and have the sewer pumped to a station at the Applecross development.

It is expected that the treatment plant will be in operation sometime during the fourth quarter of 2007 or the first quarter of 2008. Mr. Grochowski asked if the Municipal Authority had a time-frame for diverting the flows from the Guthriesville Sewer District to the Applecross treatment plant. It's not certain when the flows will be diverted. The Municipal Authority's agreement with the Little Washington Wastewater Treatment plant would need to be reviewed.

As previously stated, Pulte wants to treat flows from their development in West Brandywine Township will be treated at the Applecross Treatment Plant until 2009, when the flows will be diverted to the Pennsylvania American plant in Coatesville.

Mr. Colagreco will revise the Agreement and redistribute it for review.

Mr. Corbin suggested that the Agreement could be signed prior to the next Municipal Authority meeting contingent upon final review and approval by the Municipal Authority, East Brandywine Township, and their Solicitors. The Municipal Authority would like to see the reimbursement cost analysis prior to signing the agreement. Mr. Boldaz asked to review a copy of the mounding analysis for the secondary beds.

Mr. Grochowski was asked if Mr. Kay's property will be connecting to public sewer. He said there are no plans to connect that property to the public sewer system.

Mr. Moser made a motion to sign the Construction and Operations agreement subject to a final review by the Municipal Authority and resolution of the reimbursement issue. Mr. Anthony seconded the motion, with all voting Aye.

#### Warranty from Aqua Aerobics

Mr. Boldaz and Mr. Ebert will discuss the date that the process guarantee begins for the Aqua Aerobics plant. The equipment warranty is two tiered to reflect the date of shipment and the date the plant is actually up and running.

Mr. Ebert stated that approximately 20,000 to 30,000 gpd will be needed to start up one of the reactors. A performance bond will be in place until the plant can treat 75,000 gpd. The plant will have three reactors. In order to use all three reactors, at least 180,000 gpd is needed, although the third reactor will likely remain dormant for approximately six years. Mr. Ebert stated that once the plant is constructed they will process clean water in two of three of the reactors over a three week period in order to make sure they are water tight and hydraulically operating properly. The Municipal Authority wanted to know why all of the equipment was being purchased now if one of the reactors might not be used for a long period of time. Mr. Ebert stated that it would be more cost-efficient to purchase the equipment now.

#### Temporary Intermunicipal Sewer Service Agreement

Ms. Lemley disturbed a draft copy of the Temporary Intermunicipal Sewer Service Agreement for the Municipal Authority to review.

The Agreement is specific to the temporary treatment of the Pulte West flows at the treatment plant in East Brandywine. Mr. Grochowski only plans to send the Pulte West flows to the treatment plant in East Brandywine Township until the East Brandywine Guthriesville flow is diverted to the plant, or 2009 when Pennsylvania American will be expanding their treatment plant and the West Brandywine flows would then be diverted to Pennsylvania American's Coatesville plant. Added protections have been incorporated into the Agreement including that if West Brandywine Township does not reimburse East Brandywine Township for their bulk sewer capacity in a timely manner there are provisions whereby liens can be placed on the properties of West Brandywine Township residents. To date, this Agreement has not been reviewed by West Brandywine Township.

#### Draft Sewage Service Connection Agreement

Mr. Spangler provided his comments on the Agreement for the Municipal Authority's review. This Agreement addresses reserving capacity at the Applecross treatment plant for K. Hovnanian and Gambone developments. Mr. Spangler will send copies to Ross Unruh, Esq. who represents Gambone Development and Michael Macaninch, Esq. who represents K. Hovnanian.

#### Applecross Waster Water Treatment Plant

Construction of the treatment plant has been put out for bid. Four companies have expressed an interest; the bids are due by April 22, 2006. Approximately a week ago, the plans were sent to Mr. Boldaz to review. An acoustical study has been completed and will also be sent to Mr. Boldaz to review. Mr. Grochowski expected construction to begin on the plant no later than August or September, depending when all permits are approved. Again, it is anticipated that the plant will begin operation during the fourth quarter of 2007 or the first quarter of 2008.

Mr. Boldaz was asked to develop a timeline for when key events are going to take place regarding the treatment plant over the next four years that should include when the Pulte, K. Hovnanian and Gambone Developments and the properties within the Guthriesville Sewer District will connect to the Applecross Sewer plant. Mr. Boldaz will also look at soils maps to determine where additional capacity and back-up areas might be for disposal of the effluent for the Guthriesville Sewer District.

Mr. Corbin asked about the status of the pump and haul permit for the sales trailer. Mr. Grochowski stated that the permit has been approved by the Chester County Health Department and a Use and Occupancy permit has been issued by the East Brandywine Township Building Inspector.

### Utility Plan Review

Schoor DePalma reviewed the Utility Plans for the Overlook Road Farm development, dated July 25, 2004, last reviewed December 16, 2005. The plans were reviewed with respect to the sanitary sewer lines and related appurtenances only. These plans were not reviewed from a water and/or stormwater perspective. A review letter dated April 7, 2006 was sent to the applicant. Mr. Boldaz stated that the main concern was the deep sewer line between MH C68 and MCC65. Mr. Boldaz and Mr. Madaras will meet to discuss the review letter and then the plans will be revised and resubmitted.

### **K. Hovnanian (Weaver Tract)**

Mr. Michael Macaninch from K. Hovnanian and Bill Palkovics from DeVal Soils discussed the replacement drip area for the development. Mr. Macaninch provided a map showing a 5.6 acre area that can be used as a primary drip area located in the northwestern portion of the property. The map also showed several areas that can be used for back-up, one .4 acre area, near the primary drip field and two other areas in the eastern portion of the tract, for a total replacement area between 25% and 50%. All of the areas are for a drip system, which is much more efficient than alternative methods of disposal. Dr. Palkovics stated that deep infiltration beds wouldn't work. Additional hydrogeological testing still needs to be done in the southeastern portion of the property. The back-up areas are comprised of 1.7 acres of well drained soils and 1.7 acres of moderately drained soils. Mr. Kirkpatrick noted that with well drained soils the applicant would need approximately 2 ½ acres for the back-up area, and more with moderately drained soils. Mr. Macaninch stated that they believed PADEP's requirements were conservative and would result in some extra capacity. Mr. Macaninch also stated that they would be willing to discuss back-up areas for the Guthriesville Sewer District flows.

The Municipal Authority questioned the feasibility of using the small areas in the eastern portion of the property for back-up disposal. Mr. Corbin said that the satellite areas in the eastern portion of the property probably aren't usable without tearing up the roads. This would have to be an option of last resort.

Mrs. Moser stated that without sufficient back-up area she was concerned that the applicant would have to use stream discharge.

Mr. Macaninch was asked if there were any options for back-up disposal areas on the 10 acre parcel that will be retained by Mr. Weaver. Mr. Macaninch will speak to Mr. Weaver about this. Until additional information is provided the Municipal Authority does not want to give an opinion about the proposed back-up area.

The Municipal Authority asked when the applicant expected to start construction. Mr. Macaninch stated that K. Hovnanian would like to open for sales by the beginning of 2007.

East Brandywine Township has received plans from Taylor, Wiseman and Taylor for review. Yerkes Associates will review the plan on behalf of the Settlement Committee and once this is complete, Mrs. Smedley will schedule the next meeting with members of the Township settlement group to discuss the plans, and then schedule a meeting with representatives of K. Hovnanian.

### **Watters/Spence Property**

Ross Unruh, Esq., attorney for the applicant, Joseph Gambone, President of Gambone Development Company, Ted Kochen, Bill Palkovics from DelVal Soils and John Mahoney, Esq. discussed a proposed sketch plan and various sewage treatment alternatives for 51 acres of the Watters farm. The applicant is proposing 115 town homes and development of a 10 acre commercial area.

Ross Unruh, Esq., attorney for the applicant, Richard Burke, Ted Kochen, from Gambone Development Company, Angelo Capuzzi from Chester Valley Engineers, Jamie Sundermier from DelVal Soils and John Mahoney, Esq., on behalf of the Watters family, discussed a proposed sketch for the Watters and Spence property. The properties will be merged together and the applicant is proposing 115 town homes and development of a 10 acre commercial area. There is open space and a trail system shown on the plan. Since the applicant is proposing to develop the commercial area first, the land development plan for the commercial area will be submitted to the Planning Commission prior to submission of the proposed town home community.

The applicant provided a revised sketch plan that proposes to relocate the entrance roadway opposite to Bollinger Road.

East Brandywine Township would like the developer to construct a road through the commercial portion of the property to connect North Guthriesville Road and Route 322. Mr. Unruh has written a letter dated March 27, 2006 to Township Solicitor Stacy Fuller to discuss this issue.

The Municipal Authority's preference is for the sewage to be treated at the Applecross treatment plant and disposed of on the Watters/Spence properties. Although the applicant would like to initially treat the sewage from the commercial portion of the property at the existing treatment plant serving Brandywine Village, the Township and Municipal Authority would like this to be temporary. They would like to eventually see the treatment plant decommissioned and the sewage from the Watters property and the Brandywine Village shopping center treated exclusively at the Applecross treatment plant and effluent disposed of on the Watters/Spence property.

Mr. Unruh stated that the applicant is willing to consider decommissioning the treatment plant with the following conditions:

1. The treatment plant will be used for the commercial portion of the property until construction begins on the townhouses.
2. Once the treatment plant is decommissioned the disposal bed can still be used.
3. The Municipal Authority will approve flows for the townhouses at 175 gpd.

Although PADEP doesn't require it, the applicant will be providing a replacement area of 15%. The Municipal Authority would like to see a larger area for backup disposal. Dr. Palkovics stated that soils testing are ongoing, so that may be possible.

If the treatment plant was decommissioned, that would mean that the Brandywine Village Shopping Center's sewage would also be treated at the Applecross Treatment Plant. This needs to be discussed with the owners of the shopping center.

Mr. Boldaz asked what the depths of the beds were at the treatment plant. He stated that if they were deeper than 3 feet it would affect the Pulte sewage plant. Mr. Gambone stated he would provide this information. It is likely that American Water has this information since they operate the treatment plant for the Brandywine Village Shopping Center.

The Municipal Authority was asked if the sewage disposal area had to be netted out of the open space. The ordinance does not speak to using open space as a replacement area. It is possible that some areas of open space could be used as reserved capacity, but the applicant should check to see what the ordinances say regarding this. In addition, soils testing would be needed to determine if any of the area can be used for disposal. The Municipal Authority wants to have a contiguous area for disposal, not small areas throughout the site.

The Municipal Authority asked the applicant to provide the following information:

1. Confirmation of the design of the existing disposal bed.
2. A plan showing primary and back-up disposal areas, with the size of the areas.
3. Results of soils testing on the property
4. A determination about whether back-up disposal areas can be in the open space.

The plan shows a pump station in the northwestern portion of the property. This may be needed to pump sewage from the Brandywine Village Shopping Center to the Applecross Treatment Plant. An easement may need to be obtained from the owners of the Shopping Center in order to accomplish this.

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Mr. Gambone has had preliminary discussions with the owners of the shopping center about their interest in purchasing a portion of the Watters property. He expects those discussions to continue, and will keep the Municipal Authority and Planning Commission apprised of any developments.

Mr. Boldaz asked if there was a Township or Municipal Authority ordinance that deals with the disposal of grease from restaurants. Mr. Piersol recalled that the proper disposal of grease was part of the Conditional Use decision for the Burger King in the shopping center. He also thinks there may be general language in the Sewer Ordinance. Mr. Boldaz will check on this.

### **Sewer Odor Issues**

Mr. Boldaz will provide an update on the sewer odor issues near Little Washington Road at the next Municipal Authority meeting.

### **Adjournment**

There being no further business, Mr. Kirkpatrick moved to adjourn the meeting at 9:30 A.M. Mr. Anthony seconded the motion, and the motion was approved by unanimous vote.

Respectfully submitted,

Mary Beth Smedley  
Secretary/Treasurer  
East Brandywine Township