

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**  
**Tuesday, August 9, 2005**  
**7:30 AM**

**Those in Attendance:**

David Summers, Treasurer  
Joseph Anthony, Secretary  
Sandra Moser, Member

**Also in Attendance:**

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

**Absent:**

Michael Corbin, Chairman  
Gerald Kirkpatrick, Vice-Chairman

The Municipal Authority met on Tuesday, August 9, 2005, in McCausland Hall. Acting as temporary Chairman, Mr. Summers called the meeting to order at 7:30 AM.

**Minutes:                    July 12, 2005**

Mr. Summers asked if there were any corrections or additions to the above minutes. There were none. Mr. Anthony made a motion to approve the July 12, 2005 minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

**Treasurer's Report**

Mrs. Smedley read the Treasurer's Report for August 2005. The Municipal Authority account balance as of July 8, 2005 was \$39,102.31. Mr. Summers commented that the Municipal Authority budget was at its anticipated target for the year to date. He asked Mrs. Smedley to schedule a meeting to discuss the 2006 budget prior to the next Municipal Authority meeting. Mr. Anthony made a motion to approve the Treasurer's Report and authorize payment of the bills. Mrs. Moser seconded the motion, and the motion was approved by unanimous vote.

Mrs. Smedley stated the delinquent account discussed at last month's meeting has been paid in full.

**Connections to the Guthriesville Sewage Collection System**

At last month's meeting it was reported that Mr. Robert Zynn would ask for an exemption for his small office building since it is used infrequently. He said he would like the Authority's consideration to reduce the EDU charge for his small rental office. To date, the Authority has not received Mr. Zynn's request, and understand that he may have decided against requesting this exemption.

Mrs. Smedley reported that Mr. and Mrs. Robert McCue may ask for exemptions for one or more of their properties. Mrs. McCue was asked to provide her request in writing.

### **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 site historically consists of a total of four farms and is divided into two tracts designated the "North Tract" (north of East Reeceville Road) and the "South Tract" (south of East Reeceville Road). On the "North Tract" are the Henry Steward and William Moore farms and on the South Tract are the William Davis and Charles Trego Farms. The site contains various farmhouses, dwellings, barns and miscellaneous outbuildings. The remainder of the site contains the Beaver Creek Dam and its lake, open farmland, steep slopes, wooded areas, wetlands, creeks and a network of farm roads. The Beaver Creek Dam and lake are within an easement of the Chester County Water Resources Authority and will be retained by them. The plan proposes to preserve and relocate the William Moore farm farmhouse and barn, and preserve the Charles Trego farmhouse. All other structures are to be razed.

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 attended the meeting on behalf of Pulte Homes. He stated that he wanted to update the Authority on four major issues, those being the Sewage Facilities Planning Module, the treatment plant design, the sewer service agreement and the collection conveyance system design.

Sewage Facilities Planning Module - Mr. Grochowski stated that he is still waiting for the Chester County Planning Commission's comments. Mr. Boldaz has received revisions from Trevor Smith of Horizon Engineering Associates on the Planning Module as requested in his July 25<sup>th</sup> letter. Mr. Boldaz stated this most recent submission has satisfied most of his previous comments. Once the CCPC comments are received, the Township will move forward with the revision of their Act 537 plan for submission to PADEP. Mr. Grochowski will provide a clean Planning Module to Mr. Boldaz for his final review, and will send three copies to Mrs. Smedley.

Treatment Plant Design – The first goal is the completion of the Part II permit so that it can be sent to PADEP. Mr. Boldaz and Mr. Ebert have been working to complete the permit. According to Mr. Grochowski, the permit is approximately 70% complete and the construction drawings are 60% complete. He expects the Part II permit to be ready for submission to PADEP in the next month or two.

Sewer Operations Agreement – The agreement has been revised by Mr. Colagreco and is being reviewed by Mr. Spangler. Mr. Corbin did have some comments related to reimbursement that has been passed along to Mr. Boldaz. Mr. Boldaz will review the document, provide his comments and also provide Mr. Corbin's comments for Mr. Grochowski to review. The Authority has no problem with this agreement being an attachment to the Sewage Facilities Planning Module as long as it is marked as a draft copy.

Collection and Conveyance System – Mr. Grochowski stated that moving forward with this system has been put on hold for the time being. He stated that his priority was to complete the Part II permit.

Treatment Plant Tour – Mr. Boldaz has arranged for a tour of the Springfield Township Wastewater Treatment plant on Monday, August 15, 2004 between 9:00 A.M. and 10:00 A.M. This treatment plant is the same design as the one proposed by Pulte for the Overlook Road Farm Subdivision. Mr. Anthony said he could attend. Mrs. Moser is unavailable. If other members are unavailable, the tour day might be changed. Mr. Fred Ebert provided drawings of the proposed Overlook Road Farm Wastewater Treatment Plan for the Authority to review prior to their tour of the Springfield plant.

### **Dilworth Tract**

Mr. Jonathan Penders and Mr. Stephen Gallo approached the Municipal Authority to discuss Rouse/Chamberlin Homes' (the applicant) plans for sewage treatment on the Dilworth property. The property includes 71 acres on the western side of Dilworth Road, in the R-2 Zoning District. It has an existing barn and equipment shed. The parcel is bordered by the Hide-A-Way Farms subdivision and the Okie property to the north, the Cross Keys development to the west and the Clavier property and the East Brandywine Township Community Park to the south.

It is the applicant's intention to design the subdivision using the R-2 Cluster option. The plan currently shows 38 single family homes, including an estate lot, a considerable distance from Dilworth Road in order to protect the view shed. The common open space is the subject of a Conditional Use application. The Board of Supervisors rendered their decision on July 20<sup>th</sup>.

The plan proposes over 40% open space including 16.2 acres of private open space that will include the existing shed, barn, and future dwelling. The open space will be maintained by a Homeowners Association. The homes will be between 3,200 s.f. and 4,200 s.f. in size.

The applicant proposes to construct a community on-lot wastewater system with a centralized collection system followed by treatment and distributed disposal. There will be sewage disposal

beds on site and it is planned to be an “association-wide facility” (the homeowners association would be the permittee). Oversight for this community system would lie with PADEP and the Municipal Authority. Some preliminary evaluation has been done on the site, but detailed analysis and more thorough testing will need to be done with a PADEP representative in attendance. The three areas being considered for the sewage disposal beds include one or two primary and replacement areas. Area #1 that is central to the site could accept  $2/3^{\text{rds}}$  of the flow, Area #2, near Dilworth Road could accept  $1/3^{\text{rd}}$  of the flow and Area #3 in the western portion of the tract has the capability of accepting all of the flow. The actual size or shape of the beds won't be determined until further testing is complete.

In order to meet the Authority's desires to provide both a primary infiltration bed site and a replacement bed site, the applicant needs 76 EDUs of wastewater disposal capacity (38 EDUs for the primary disposal area, and 38 EDUs for backup area). Areas #1 and #2 can be used at the primary site, and Area #3 the backup, or Area #3 could be used as the primary site and Areas #1 and #2 as backup. The Township's Act 537 Plan requires that the applicant provide 100% of the needed backup.

Earlier this month, Mr. Penders met with Mr. Boldaz to discuss their findings thus far. The applicant has filed the postcard for planning modules with PADEP. Soils testing of the site is scheduled for the week of August 22<sup>nd</sup>. Mr. Penders will contact Mr. Piersol and Mr. Boldaz with the exact dates for testing so that a Municipal Authority representative can be present. After testing is concluded, perc tests will be done. Once the applicant receives test results they will have a better idea of the size and shape of the proposed disposal beds.

Mr. Summers asked Mr. Penders where the sewage would go if the disposal beds failed. Mr. Penders said the sewage would go to a central point on the property, and conveyed to the Little Washington Wastewater Treatment Plant through the Hide-A-Way Farms Subdivision. Mr. Penders will have more information about this once the soil testing is complete.

Mrs. Moser stated that at the end of this month's Planning Commission meeting, the Open Space Committee provided a recommendation to the Commission regarding 5 lots on the southeastern portion of the tract. The Open Space Committee would like to see these 5 lots removed from the plan, moved to a different location, have the Township purchase development rights for those parcels or possibly be purchased outright by the Township as deed restricted open space. The Planning Commission has not had the opportunity to discuss this proposal, but will likely do so in the next month or two. Changes to the plan regarding these lots may provide additional opportunities for the applicant to relocate or expand their disposal beds. Mr. Penders thought it might be difficult to move the 5 lots; he has already moved several lots at the Planning Commission's request. He also doubted that the area where the 5 lots are proposed could be used for disposal since that area may be too steeply sloped.

Mr. Summers asked about the location of the proposed trail system. Mr. Penders stated there would be a trail that will link the development to the Community Park, Cross Keys and the Hide-A-Way Farms Subdivision.

Mr. Penders stated that he plans to attend the September or October Municipal Authority meeting since he will have more definitive answers about the disposal beds once the soils testing is complete.

### **Proposed Sewage Treatment Plant at Overlook Road Farm**

The Municipal Authority discussed options for treating and disposal of effluent within East and West Brandywine Townships.

### **Southdown Homes – Hide-A-Way Farms – Sewer Improvement and Escrow Agreements**

Mr. Spangler is currently reviewing the sewer improvement and escrow agreements for the Hide-A-Way Farms subdivision. The Municipal Authority wanted to make sure that the escrows are established in such a way that each phase of development can stand and operate on its own, with no obligation for the Township or Municipal Authority if the developer were to default on completing the project.

Mr. Piersol stated that Wilkinson Builders was constructing the sewer infrastructure and Southdown was responsible to upgrade the treatment plant. The Municipal Authority wants one of the developers to be ultimately responsible for completion of the project. It is the Authority's opinion that just one developer needs to be responsible for completion and oversight of the project.

There are also questions about billing residents prior to the Authority accepting dedication of the sewage beds. When this was done with Southdown Homes for Keats Glen and the Delaware County Community College, Southdown tracked sewer fees for residents until the Authority took dedication of the treatment, and then the Authority billed those residents for a lump sum. It was inefficient and frustrating for residents who received such a large sewer bill at one time.

Mr. Piersol and Mr. Boldaz will review the agreements and discuss their comment with Earl Cooke from Southdown Homes.

### **Brandywine Wallace Elementary School**

Aqua Pennsylvania has withdrawn its application with the Public Utility Commission to provide public water to the Brandywine Wallace Elementary School.

### **Chester County Health Department Policy Regarding Hauling Septage**

The Chester County Health Department requires all companies who are hauling septage in Chester County to provide data on waste disposal. It is the waste hauler's responsibility to enter this information on the Chester County Health Department's web site. This information will be integrated into the GIS system so that municipalities have access to the data. Mr. Boldaz stated that some other municipalities require waste haulers to register and provide copies of the data given to the Health Department. The Municipal Authority may consider doing this in the future if it is determined that waste haulers are not complying with the County's regulations.

**Adjournment**

There being no further business, Mrs. Moser moved to adjourn the meeting at 8:55 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