

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, December 14, 2004
7:30 AM

Those in Attendance:

Gerald Kirkpatrick, Vice-Chairman	Thomas Brown, Municipal Authority Engineer
Joseph Anthony, Secretary	Joseph Boldaz, Municipal Authority Engineer
David Summers, Treasurer	Scott T. Piersol, Township Manager
Sandra Moser, Member	Matthew T. VanLew, Roadmaster
John Spangler, Municipal Authority Solicitor	
Mary Beth Smedley, Secretary/Treasurer	

Absent:

Michael Corbin, Chairman

The Municipal Authority met on Tuesday, December 14, 2004. Also in attendance were Scott T. Piersol, Township Manager; John Spangler, Municipal Authority Solicitor, Thomas Brown, Municipal Authority Engineer, Joseph Boldaz, Municipal Authority Engineer, Matthew T. VanLew, Roadmaster and Mary Beth Smedley, Secretary/Treasurer

Mr. Kirkpatrick called the meeting to order at 7:30 A.M.

Minutes: November 9, 2004

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

Treasurers Report

Mrs. Smedley read the Treasurer's Report for November/December 2004. Mrs. Moser made a motion to approve the Treasurer's Report as submitted. Mr. Anthony seconded the motion, with all voting Aye.

Request for Public Water

Mr. Michael McNabb, owner of property located at 599 Old Horseshoe Pike and Mrs. Norma Mottershead, owner of property located at 855 Horseshoe Pike, approached the Municipal Authority to discuss their request for public water on their properties. Mr. McNabb said that Aqua-Pennsylvania has installed a water main and a fire hydrant in front of his property. Mr. Kirkpatrick explained that there is a limited amount of water that can be supplied to residents by Aqua Pennsylvania due to legally binding agreements made during the Cornog litigation.

By the Municipal Authority's calculations, most of the water allocated to East Brandywine Township by Aqua-Pennsylvania and Downingtown Municipal Water Authority has been reserved for planned developments that are either in Aqua-Pennsylvania's certificated franchise area or are located within the Township's growth boundary. When properties are allowed to connect outside of these areas, there are several parties that need to agree and approve the

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connection, including the water supplier, the Municipal Authority, and the Commonwealth's Public Utility Commission.

Mr. McNabb went on to say that he has a shallow well, and has been told by a drilling company that his well "may not adequately be able to provide water to his property within the next several years." Mr. Kirkpatrick explained that the Municipal Authority is developing specific criteria for residents living outside the Township growth boundary or outside of Aqua-Pennsylvania's certificated franchise area to use in evaluating whether or not it is appropriate to supply Township residents with public water. These criteria will include manner in which to determine an insufficient water quantity and poor water quality. It was suggested that Mr. McNabb have his well evaluated by an engineer to review construction characteristics, maintenance procedures, water demand, and well yield. There may be a possibility that Mr. McNabb could deepen or recondition his well to provide additional water quantity.

Mrs. Mottershead asked if it was more beneficial for properties to be served by public water. She was told that there is no evidence that this is the case, and that one needed to carefully consider what constituted "better". For example, Authority members pointed out that sources for the public water, existing water demand, recharge of water sources, business issues, and growth goals each needed to be considered prior to an evaluation regarding whether or not public supply actually constituted better. Mrs. Mottershead also asked about the availability of public sewer collection. She was told that there are no plans to provide public sewer to Old Horseshoe Pike.

Mr. Piersol noted that the fire hydrant near Old Horseshoe Pike is activated. The water supplying the hydrant is coming from deep wells, not the water Aqua-Pennsylvania is purchasing from Downingtown Municipal Water Authority.

The Municipal Authority agreed to take Mr. McNabb's request under advisement as they determine the availability of water for residents in the Township.

Dedication of Phase III and IV – Guthriesville Sewer District

Mr. Stephen Gallo discussed dedication of Phase III and IV of the Guthriesville Sewer District and two outstanding issues that still need to be resolved.

The first issue is that under the Sewer Improvement Construction Agreement, upon acceptance of the improvements in Phase IV of the project the total reimbursement of \$94,100 was to be paid to Rouse/Chamberlin. To date, no tapping fees have been collected from residents in the Guthriesville Sewer District, making such payments impossible. In a letter dated December 9, 2004, the Municipal Authority proposed to submit reimbursement payments on a quarterly basis. Mr. Gallo stated that Rouse/Chamberlin was agreeable to this plan, but requested that the Sewer Agreement be amended to reflect this change. He also requested that a time-frame be included in the Agreement that specifies a time by which all payments must be received. The Municipal Authority agreed that the date should be December 31, 2006. Mr. Gallo will have Rouse/Chamberlin's solicitor draw up a draft amendment for Mr. Spangler and Mr. Brown to review.

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The second issue is Rouse/Chamberlin's request that the Municipal Authority define the number of EDU's allocated for their commercial property along Rt. 322. Mr. Brown stated there are two options to consider. The Authority can either allocate EDU's for this property out of the eight EDU's that are not committed to any property, or they can wait to see what the usage is going to be in the Village of Guthriesville prior to committing a certain number of EDU's to this property. Mr. Brown also stated that Rouse/Chamberlin will need to submit a Component 3 Sewage Facilities Planning Module prior to development since this property was not included in the Act 537 Special Study. Mr. Gallo will submit the planning module within the next several months.

The Municipal Authority agreed that the language associated with the Agreement include a reference that "the property will be allocated not less than two and not more than four EDU's." This will be added to the Sewage Agreement Amendment.

In his December 13, 2004 review letter, Mr. Brown outlined there are few minor outstanding issues.

These issues include the following.

1. All of the as-built drawings must be certified by Rouse/Chamberlin to be in accordance with the actual construction as per Section 10 of the December 20, 2001 Sewer Construction Agreement.
2. As-built drawings have not been provided for the pumping station.
3. As-built drawings have not been provided for the sewers that have not yet been constructed: The Municipal Building to the Firehouse and low-pressure sewer for the Wright Agency. These must be provided after the sewers are built.

Mr. Gallo stated that all of these issues outlined in the letter would be resolved shortly.

Mr. Gallo will attend the January 11, 2005 meeting so that the Municipal Authority can proceed with accepting dedication of Phase III and IV and the Kristen Circle Sewers.

Hide-A-Way Farms Sewage Agreement

Mr. William Rountree of Wilkinson Builders, Mr. Christopher Luning, attorney for Aqua Pennsylvania and Mr. Anthony Donatoni from the Little Washington Wastewater Treatment Plant attended to discuss the Agreement. Mr. Boldaz stated that most of the Agreement has been revised per his November 8, 2004 review letter.

The 3rd Paragraph has been revised by changing the end of the sentence from forty-five days advance notice to the Authority to ninety days.

It was agreed that two flow meters are not needed. The applicant will decide whether the flow meter will be located at the pump station or at the flow chamber.

Exhibit C states that Little Washington Wastewater will maintain insurance coverage. Mr. Kirkpatrick asked that the Municipal Authority be named as additionally insured. Mr. Donatoni agreed to this.

Discharge Monitoring Reports (DMR) will be submitted to PADEP on a monthly basis. If the frequency of submitting these reports increases, the Agreement may need to be revised.

Little Washington Wastewater will perform billing services for wastewater customers of the Authority, with Authority approval. For the time being, billing services will be handled internally by the Municipal Authority.

Reference to East Brandywine Township being a party to the Agreement has been removed.

Paragraph 8 of Exhibit "C" will be clarified. A WQM Permit has not been issued by PADEP.

Mr. Spangler has reviewed the Agreement and stated that with the above changes, it will be ready for execution.

Mrs. Moser made a motion to sign the Hide-A-Way Farms Sewage Agreement contingent upon a final review by Mr. Corbin, Mr. Spangler and Mr. Boldaz. Mr. Summers seconded the motion, with all voting Aye.

Overlook Road Farm – Treatment Plant Analysis

Mr. Boldaz received the preliminary treatment process analysis for the Overlook Farm Wastewater Treatment on November 10, 2004. He received supplemental information from Mr. Fred Ebert on November 17th. The 60-day review period began November 17, 2004. Mr. Boldaz offered the following comments.

In his letter dated November 19, 2004, Mr. Boldaz stated that it was not clear how the SBR and CLR systems will meet the total nitrogen standard of 10 mg/l. He asked that Mr. Ebert submit information showing what carbon source would be used to drive the denitrification process. Mr. Ebert responded that the SBR and CLR process were designed to meet the total nitrogen limit of 10 mg/l at the design flow and influent organic loading sites. He has asked Aqua Aerobics to evaluate their kinetics model and make sure they have sufficient carbon source for the biomass in order to meet the total nitrogen limit of 10 mg/l. Aqua Aerobics responded that at the design loadings carbon source addition would not be required.

It has been Mr. Ebert's experience with other SBRs he has designed that once the flows are over 60% of the capacity of the individual reactor, that carbon source addition is not required, although until flows reach approximately 60% of the design for the individual reactor, carbon source addition may be required.

Mr. Boldaz stated that the replacement cost for the MBR membranes appears to be a large factor in the 20-year life cycle. He did not feel that it was accurate to assume that the cost of these membranes will remain constant during the plant's life cycle. He asked that Mr. Ebert consider that as the process becomes more widely accepted in the future, membranes are expected to become significantly less expensive.

Mr. Ebert revised the cost estimates to show the cost of the replacement membranes remaining constant over the next 20 years.

Mr. Boldaz suggested that K. Hovnanian be contacted to make sure they were up-to-date on the different treatment processes being discussed. Mr. John Mahoney, Legal Counsel for K. Hovnanian was in attendance at the meeting and stated he would be meeting with Pulte representatives after the meeting to discuss the different options. The plan is to utilize a combination of spray discharge and spray irrigation on the Pulte and K. Hovnanian properties.

It is Mr. Boldaz's preliminary opinion that the SBR (Sequencing Batch Reactor) process is the best option from an engineering perspective. Mr. Summers suggested scheduling a tour of a similar treatment plant prior to making a final decision. Mr. Ebert stated he would provide Mr. Boldaz with a list of similar treatment plants in the area. Mr. Boldaz will schedule a meeting for the beginning of January, 2005 prior to the January 11, 2005 Municipal Authority meeting. Mrs. Moser wanted to ensure that at least one of the plants on the tour has been in operation for a substantial period of time. Ms. Lemley asked if a plant that has been operating for a period of time will give the Authority a fair representation of the proposed treatment plant. Mr. Ebert stated that although some components may be different, many will be the same and a treatment plant less than 10 years old should be similar to a new one.

It is the Municipal Authority's intention to review all of the provided information and the final recommendation of Mr. Boldaz and make a decision at their January 11, 2005 meeting.

Hopewell/Guthriesville Service Area – Tapping Fee

Mr. Brown provided a revised draft Tapping Fee Resolution for the Authority to review. The Resolution has been amended to comply with the requirements of the recently amended PA Act 57 of 2003.

In the previous Tapping Fee Resolution a Connection Charge of \$100 was included, along with a Customer Facilities Fee of \$250. The Township actually plans to assess a "Customers Facilities Fee" of \$150. According to the provisions of Act 57, an Authority may not charge a Connection Charge or a Customer Facilities Fee unless the Authority actually installs the associated facilities. The Authority has not installed or paid to install these facilities.

Mr. Brown said that it was reasonable for the Township and Authority to recover the cost of the lateral inspections that will be made. He suggested that we could charge an "Authority Inspection Fee" and include it in the Township's Sewer Use Ordinance. Mr. Spangler stated that it was important that these fees be tied to actual costs from the inspector. Mr. Piersol assured the Authority that he has spoken with Yerkes Associations regarding costs and the \$150 fee will cover two inspections, plus administrative services.

The new legislation stipulates that the Authority can't charge a tapping fee on an EDU (equivalent dwelling unit) basis, but can charge on a gpd (gallon per day) basis. Section D.5 will state all other uses not classified above will be assessed using \$3.83 per gallon per day. Mr.

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Spangler suggested that Section D.1 make reference to the preexisting December 20, 2001 Sewer Agreement with Rouse Chamberlin.

Mr. Spangler will determine whether this should be a Resolution for the Municipal Authority or the Township.

Guthriesville and Keats Glen/DCCC Services Areas – Operating Budgets

Mr. Piersol, Mr. Summers and Mr. Brown provided a draft operating budget for the Municipal Authority to review. After reviewing the figures Mr. Brown stated that there should not be a rate increase for either Keats Glen/DCCC system or the Guthriesville system in 2005. However, there will likely be a rate increase for the Keats Glen/DCCC system in 2006

	Guthriesville system	Keats Glen / DCCC system	Totals
Sewer rental fees	\$ 95,200.00	\$ 36,176	131,376
Engineer reimbursements			45,000
Township subsidy			32,500
Total Revenues			208,876
Expenses			
Labor	\$ 4,000	\$ 13,000	\$ 17,000
Treatment Charges	\$ 64,284	\$ -	\$ 64,284
Sludge Disposal	\$ -	\$ 6,500	\$ 6,500
Electricity	\$ 4,700	\$ 5,200	\$ 9,900
Telephone	\$ 300	\$ 300	\$ 600
Chemicals	\$ 324	\$ 2,400	\$ 2,724
Laboratory	\$ -	\$ 2,000	\$ 2,000
Maintenance & Repairs	\$ 4,100	\$ 3,240	\$ 7,340
Billing & Administration	\$ 7,600	\$ 3,900	\$ 11,500
Engineering	\$ 1,200	\$ 5,000	\$ 6,200
Contingency (5%)	\$ 4,292	\$ -	\$ 4,292
Capital Reserve Funding	\$ -	\$ 2,500	\$ 2,500
Sub-Total Expenses	\$ 90,800	\$ 44,040	\$ 134,840
Engineering			\$ 50,000
Solicitor			\$ 22,500
Total Expenses			\$ 207,340

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After review of the above information, Mr. Kirkpatrick made a motion to approve the 2005 Municipal Authority budget. Mr. Summers seconded the motion, with all voting Aye.

Policy on Delinquent Accounts

Mrs. Bednarchick provided information on the current Accounts Receivable Aging Summaries for Keats Glen and Hopewell. She also included the A/R Aging Summaries as of October 31, 2004 so the Authority could see how many customers have not paid by the due date on the 4th quarter user fee invoices.

It is Mrs. Bednarchick's recommendation that Section 307 of the Sewer Use Ordinance be amended to allow the 10% late fee to be imposed if the quarterly invoice is not paid within 30 days of the due date rather than "within thirty (30) days after they are due." The current policy allows 60 days before the penalty is imposed. She also recommends that the sewer rentals be deemed to be delinquent if not paid within 90 days of the date of the invoice (not the due date), rather than be deemed to be delinquent if "not paid on or before the end of six (6) months from the date of each bill." Mrs. Bednarchick further suggested that the interest penalty not be imposed until the amount in arrears has been liened and that the maximum allowable interest rate of 10% be imposed rather than the current amount of one half percent per month. The Municipal Authority was also encouraged to adopt a schedule of attorney fees to be imposed as part of the municipal claim.

The following suggestions were also offered for consideration:

- Impose a \$20 fee for checks returned for insufficient funds.
- Consider imposing an additional late charge of 15% if user fees and the initial 10% penalty remain unpaid after 30 days of the due date; i.e. flat rate user fee due 1 – 30 days; user fee plus 10% penalty due 31 – 60 days; and user fee plus 10% penalty and 15% penalty due 61 – 90 days. If the account remains unpaid after 90 days, the customer receives a certified letter advising that a municipal claim will be filed if payment is not received within 30 days.
- Amend the policy to initiate steps to collect the full amount of any municipal claim which remains unpaid for six (6) months from the date of filing the claim. This gives the customer ample time to remit payment before additional costs associated with the collection process are incurred and doesn't leave the municipal claim open indefinitely. A courtesy "last chance" letter can be sent to the customer as a final reminder of the balance due prior to initiating the collection process.
- Section 307(a) of the Sewer Use Ordinance should also be amended to delete the second sentence: "The Township shall have the right to cut off sewer service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have been paid." It is Mrs. Bednarchick's understanding that public water can be shut off, which effectively shuts off the sewer service; however, public sewer service cannot be shut off. The Municipal Authority does not provide water in East Brandywine Township.

After review of the information provided by Mrs. Bednarchick, Mr. Summers made a motion to recommend the Municipal Authority implement the suggestions outlined in her December 13th Memorandum regarding delinquent accounts. Mrs. Moser seconded the motion, with all voting Aye. Mr. Spangler will update the Sewer Use Ordinance to reflect these changes.

Keats Glen/DCCC Wastewater Treatment Plant – Notice of Violation

Mr. Brown discussed his November 10, 2004 letter to PADEP regarding the October 26, 2004 Notice of Violation issued by the Department to the East Brandywine Township Municipal Authority in connection with the Delaware County Community College Wastewater Treatment plant. This letter discusses the potential causes of the violation and the corrective actions that have been taken. To date, he has not received a response from PADEP.

A letter was also sent to Mr. Thomas Horrex from TMH Environmental Services regarding the ammonia nitrogen violations. Mr. Horrex responded to the letter yesterday via telephone. Mr. Horrex stated that there are continued compliance violations related to the ammonia nitrogen at the treatment plant. Mr. Brown also stated that based on his conversation he understood that TMH has been conducting additional influent and effluent sampling of the raw sewage and the treatment discharge at the Keats Glen/DCCC Wastewater Treatment Plant. The East Brandywine Township Municipal Authority and Gannett Fleming had no prior information or knowledge of the additional sampling, and the sampling did not have the Municipal Authority's consent.

Mr. Brown will advise Mr. Horrex that any investigations, data gathering, or collection of wastewater samples beyond what TMH is contractually obligated to do may not be done without the prior knowledge and consent of the Municipal Authority. Furthermore, the data collected from the additional sampling may not be distributed to PADEP or to any other party without the specific prior knowledge and consent of the Municipal Authority. Mr. Brown will also discuss the above issue with Dan Hudson of Evans Mills and George Aspinall, the manufacturer's representative for Pure Stream.

A letter will be sent to the Community College asking them to be specific about the waste they contribute to the system. This may help in pinpointing the cause of the exceedance. Mr. Brown will also schedule an onsite inspection. Mr. Summers stated that the inspection should be done while school is in session.

If TMH, Evans Mill Environmental or Pure Stream intends to use the data generated from the treatment plant, the Municipal Authority and Mr. Brown would like to meet with all parties involved to discuss this. Mr. Brown will ask that meeting be scheduled as soon as possible.

Mr. Horrex has recommended to Mr. Brown that a flow equalization basin built into the treatment plant be activated because of organic loading variations. This will be discussed with Dan Hudson and representatives of Pure Stream.

Mr. Brown will ask Mr. Horrex again about providing the Authority with a key to the treatment plant.

Mr. VanLew stated that vegetation has been removed near the treatment plant per PADEP's recommendation. He is also working on purchasing an ammonia nitrogen test kit.

RFP for Sewage Collection System Operator

The Municipal Authority has asked Mr. Piersol to arrange for Clean Water, Inc. to provide operation and maintenance services for the Delaware County Community College and the Hopewell pump station on a monthly basis beginning January 1, 2005 until a system operator is chosen.

Mr. Brown and Mr. Piersol provided a Request for Proposal (RFP) for the sewage collection system operator for the Municipal Authority to review. With a few minor changes it should be ready to be sent to prospective plant operators. The Authority would like to receive the RFP's no later than January 28, 2005, and make a decision by April 1, 2005.

Mr. Piersol was asked if the Authority should have pollution liability insurance. He said that in contacting other municipalities, they typically don't have this type of insurance since it is very expensive.

Officers for 2005

Mrs. Moser made a recommendation to appoint Michael Corbin as Chairman, Gerald Kirkpatrick as Vice-Chairman, Joseph Anthony as Secretary and David Summers as Treasurer of the Municipal Authority for 2005. Mr. Kirkpatrick seconded the motion, with all voting Aye.

Kay Wells

Mr. Kirkpatrick discussed the Kay Well Monitoring Program and the most recent report submitted by the Kay well operators (Aqua Pennsylvania) to Delaware River Basin Commission.

He stated that the area received approximately 65 inches of precipitation during 2003, 21 inches above the average of 44 inches. During the 2003-2004 monitoring period, none of the domestic wells monitored were adversely affected by the permitted withdrawal of ground water from the Kay Property wells, in fact, well water elevations increased, likely due to the increased precipitation.

Observation Well #14 is no longer available for the collection of water level measures at the homeowner's request. A new observation well has been added.

Combined total pumping for the Kay Property Wells did not exceed the 6.25 million gallons per 30 day period allowed by the Permit. The highest monthly pumpage occurred in August 2004 when a total of approximately 1.061 million gallons were pumped. Nevertheless, it will be necessary to monitor water use and well levels as the water wells will likely be called upon to supplement available water for the Aqua-Pennsylvania system.

Aqua-Pennsylvania has made the following recommendations to DRBC:

- Continue water level and discharge monitoring of Kay Property Well B.
- Continue water level and discharge monitoring of Kay Property Well C.
- Continue monthly water level monitoring in the following residential supply wells
 - Observation Well #4
 - Observation Well #10
 - Observation Well #13
 - Observation Well #24
- Submit an annual report for the Kay Property Wells as required by DRBC Docket D-2002-5 CP in September 2005.

Mrs. Moser stated that she continued to be concerned about water allocation in Caln Township and the impact of that allocation on East Brandywine Township's available water allocation for the former UGS-North water distribution system.

Adjournment

There being no further business, Mr. Anthony moved to adjourn the meeting at 10:45 A.M. Mrs. Moser seconded the motion, with all voting Aye.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township