

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, January 10, 2006

7:30 AM

Those in Attendance:

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

Absent:

Michael Corbin, Chairman

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, January 10, 2006 at the East Brandywine Fire Company. Mr. Kirkpatrick called the meeting to order at 7:30 AM.

Minutes: December 13, 2005

Mr. Kirkpatrick asked if there were any corrections or additions to the above minutes. There were none. Mr. Summers made a motion to approve the December 13, 2005 minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

Treasurer's Report

Mrs. Smedley read the Treasurer's Report for December 2005/January 2006. The Municipal Authority account balance as of December 31, 2005 was \$32,538.11. Mr. Anthony made a motion to approve the Treasurer's Report and authorize payment of the bills. Mr. Kirkpatrick seconded the motion, and the motion was approved by unanimous vote.

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, Tony Sabatini, John Curtin, Fred Ebert and Theresa Lemley, Esq. attended the meeting on behalf of Pulte Homes to discuss several issues regarding the proposed sewage treatment plant.

January 9, 2006 meeting with PADEP

Mr. Ebert discussed the January 9, 2006 meeting with PADEP. He described the meeting as very productive since it answers questions regarding permitting of the treatment plant and discharge limits. Mr. Ebert anticipates that a letter will be provided to him from PADEP that will identify anticipated permit limits.

Instead of treating the wastewater as a discharge to the “Waters of the Commonwealth” and forcing strict phosphorous limits and subjecting the effluent to total maximum daily loads (TMDL’s), DEP is considering permitting the use of effluent from the treatment plant at the golf course for irrigation as a “beneficial reuse”. This will hopefully eliminate the need to meet some of DEP’s strict discharge parameters. Mr. Ebert will be asking that instead of “beneficial refuse” the spray of effluent on the golf course be permitted as “golf course irrigation,” so that the permit has its own unique classification. There will be three different types of permitted discharge: golf course irrigation, a drip field, and restricted stream discharge. The planning module will be resubmitted to PADEP with the following revisions:

1. The module narrative will note the change from “Waters of the Commonwealth” to “beneficial reuse” (or golf course discharge, if that is approved by PADEP).
2. The drip layout will be broken down into zones.

DEP has agreed to review the Part II permit concurrently with the Planning Module.

The goal of the Municipal Authority and PADEP is to maximize ground water recharge. Since the Municipal Authority will be the permittee for the wastewater discharge, it was discussed that the Municipal Authority will likely be responsible to notify DEP when discharges to the stream are expected. The Municipal Authority will need to document the amount of golf course irrigation being provided, the effluent levels in the lagoon, ambient temperatures and humidity as necessary to demonstrate why stream discharge is necessary. A report will be attached to the Discharge Monitoring Report advising why the stream discharge was needed. All monitoring will occur at or near the wastewater treatment plant. If the Municipal Authority elects to send the effluent to the stream, the discharge may be subject to TMDL’s and limits that are more stringent than the irrigation limits.

Mr. Kirkpatrick asked if a Notice of Violation could be issued if stream discharge was used when the discharge could be applied to the golf course or drip fields. Mr. Boldaz said that wasn’t likely, but there could be problems when the NPDES permit is renewed. Also, Mr.

Kirkpatrick asked if the PA DEP could deny the discharge of effluent to the receiving stream. Mr. Ebert stated that PA DEP could not withhold approval for the discharge, but that the PA DEP would have to be notified of the discharge event and the need for such a discharge.

Mr. Boldaz stated that before proceeding with revisions to the Planning Module and Part II permit, Mr. Ebert should wait for the PADEP letter so that he is clear about what the permit levels will be, including those for nitrates and fecal coliform. Mr. Ebert said he expected the letter to be issued within two to three weeks.

Intermunicipal Agreement with West Brandywine Township

Mrs. Smedley will schedule a meeting with representatives of the Municipal Authority, East Brandywine Township and Pulte Homes to discuss this issue. Mr. Grochowski was asked if there have been additional discussions with representatives from West Brandywine Township. He said there have been no recent discussions.

Mr. Grochowski said that in order to treat the Guthriesville flows at the proposed treatment plant, an intermunicipal agreement would need to be signed with West Brandywine Township since West Brandywine will not allow the Municipal Authority to have a franchise territory in their Township.

Mr. Summers asked what would happen to the existing pump station if the Guthriesville flows were treated at the Pulte treatment plant. Mr. Boldaz commented that it was his belief that the pump station will be dismantled and the wet well will be crushed.

Pulte Highway Occupancy Permit

Mr. Boldaz said he hasn't seen any additional information after providing comments on the HOP. Mr. Grochowski said that Pulte has also received comments from PADOT. Pulte is currently incorporating both sets of comments into the permit. Mr. Boldaz should receive a revised copy within the next two weeks.

Construction and Operations Agreement

Ms. Lemley will schedule a conference call with Mr. Spangler and Mr. Boldaz to discuss their comments on the draft agreement.

Sewer Service Connection Agreement

Ms. Lemley will provide a draft of this document within the next few days. This item will be discussed at the February Municipal Authority meeting.

K. Hovnanian Settlement Stipulation Agreement

Mr. Michael Macaninch and Michael Stadulis from K. Hovnanian and Bill Palkovics from DelVal Soils discussed the current status of the Settlement Agreement and soils testing for the Weaver Tract.

Mr. Corbin provided additional written comments on the draft Settlement Agreement to Mr. Piersol. These comments will be incorporated into the agreement and discussed with the East Brandywine Township settlement group. A meeting will then be scheduled with representatives of K. Hovnanian to discuss the changes.

Mr. Boldaz received information from Del-Val Soils that indicated they have 3.3 acres of replacement drip area, which in their opinion, may support between 10,000 and 20,000 gallons per day. This area will provide an equivalent of 22% to 44% replacement.

Mr. Boldaz informed Mr. Palkovics that the Authority wanted to see close to 100% back-up area, and would not support the 22% - 44% replacement area. Del-Val asked if the Authority would accept less than 100% replacement and accept designed areas as "reserved for proposal". Mr. Boldaz said he would discuss this with the Authority, but would recommend at least 50% to 75% back up area. Mrs. Moser stated she supported Mr. Boldaz's recommendation to have replacement available of at least 75-percent of projected flows. Mr. Palkovics has looked at additional areas and stated he hoped to be able to provide 50% back up area. Mr. Kirkpatrick said he would like to see a replacement area closer to 75% than 50%.

Mr. Boldaz was asked if the replacement area was simply an area that was tested, or if the areas were to be piped and ready for disposal. Mr. Boldaz said they should be ready for disposal. The K. Hovnanian flows will be returned to their property and won't be disposed on the Pulte property, except for certain times on the golf course.

Mr. Stadulis said that he thought 45% to 50% back up area would be sufficient for the development. Based on a similar development in South Coventry Township, flows for the community were closer to 100 gpd than 150 gpd. Mr. Boldaz remarked that it is inappropriate to compare flows for a new system with what will ultimately be a system that will develop infiltration and inflow problems with time and will need more gallons per day disposal than a new system. Mr. Stadulis said he is looking at data to provide the Authority to see what sort of flows are used for similar communities.

It was suggested that the applicant either move the locations of houses or possibly eliminate some houses to be able to provide adequate back up area. Mr. Stadulis said it would be difficult to move homes since some are already in areas with a high marginal seasonal water table.

It was suggested that the applicant could possibly provide a combination of drip and infiltration beds as backup. Mr. Boldaz would need to look at this before he could make a recommendation.

Mr. Macaninch will schedule a meeting with Mr. Boldaz and a representative of Del-Val Soils prior to the next meeting to discuss this.

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Adjournment

There being no further business, Mrs. Moser moved to adjourn the meeting at 8:35 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