

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY

Tuesday, January 11, 2005

7:30 AM

Those in Attendance:

Michael Corbin, Chairman

David Summers, Treasurer

Sandra Moser, Member

Matthew T. VanLew, Roadmaster

Mary Beth Smedley, Secretary/Treasurer

Thomas Brown, Municipal Authority Engineer

Joseph Boldaz, Municipal Authority Engineer

Scott T. Piersol, Township Manager

John Spangler, Municipal Authority Solicitor

Absent:

Gerald Kirkpatrick, Vice-Chairman

Mr. Joseph Anthony, Secretary

The Municipal Authority met on Tuesday, January 11, 2005. 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. Corbin called the meeting to order at 7:30 A.M.

Minutes: December 14, 2004

Approval of the Minutes was deferred until the February 8, 2005 meeting.

Treasurers Report

Mrs. Smedley read the Treasurer's Report for December 2004/January 2005. Mr. Summers made a motion to approve the Treasurer's Report and authorize payment of bills. Mrs. Moser seconded the motion, with all voting Aye.

Dedication of Phase III and IV – Guthriesville Sewer District

Mr. Stephen Gallo discussed dedication of Phase III and IV of the Guthriesville Sewer District. He stated that most of the technical punch list items have been resolved.

The Second Addendum to the Hopewell Sewer Agreement has been forwarded to Mr. Spangler and Mr. Brown for their review. Mr. Brown stated that the total tapping fee obligation of \$94,100 should be reduced by the number of discounted tapping fees times \$100. Mr. Gallo agreed to revise that number to \$93,000.

Mr. Brown stated the Authority wanted to establish a three-year time limit for using the allocation given to Lot 121 in order to avoid having the capacity tied up indefinitely. Mr. Gallo had wanted a five-year time limit. The Municipal Authority agreed to the three-year time limit with the ability of Rouse/Chamberlin to request an extension subject to mutual agreement by all parties.

Mr. Spangler will update the agreement for the Authority to review.

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Mr. Gallo will attend the next Municipal Authority meeting to finalize the dedication. Mr. Spangler asked that he provide a Letter of Credit dated for the day of that meeting.

Mr. Brown stated that he has received a Mylar set of drawings for Phase III and IV, including Kristen Circle. An updated CD of the electronic files of the approved drawings was just sent. He will review it for accuracy and completeness.

Mrs. Moser thought that Mr. Gallo was going to provide some sort of concept plan for their commercial property in order to determine the number of EDU's needed. Mr. Gallo explained that he was using the current zoning to determine the number of EDU's; Rouse/Chamberlin does not have a buyer for the property. They would like to ensure that any plan to develop the property is not intrusive to the residential development.

Mr. Brown asked Mr. Gallo to provide certified as-built drawings for Phases I and II of the development.

Hide-A-Way Farms Sewage Agreement

Mr. Corbin highlighted the following comments about the Sewage Agreement.

1. The bulk unit rate appeared higher than he expected (\$5.80/1000 gallons). The Development contributed close to \$1,000,000 to the Little Washington Wastewater Treatment Plant for the necessary plant upgrades, expansion and permitting. It is Mr. Corbin's opinion that the Municipal Authority should not be charged for any capital recovery except for some existing common facilities at the plant.
2. Mr. Corbin suggested that Attachment C be dropped from this agreement since it commits us to having Little Washington provide the Operation and Maintenance for the collection system and pump station. He recommended we prepare a contract to have them operate the drain field for the treated effluent. An RFP should be prepared for the rest of the operation and maintenance activities.
3. Mr. Corbin would like the section of the Agreement pertaining to cost recovery for plant improvements to be revised from 90 day advance notice to a longer time frame. He stated that if it is a capital improvement mandated by PADEP it could be a lot of money and should be incorporated into the rate structure. He also suggested some provision be included to enable the Authority to review the costs since the Authority will be charged for them.
4. The maximum allowable flow needs to be consistent at 35,500 gpd.
5. The Authority should review all exhibits and attachments.

Mrs. Moser stated that a public hearing has been scheduled by DRBC to consider an application to expand the Little Washington Wastewater Treatment Plant to accommodate the Hide-A-Way Farms Subdivision. She suggested the Municipal Authority send a letter to the DRBC stating that the Authority had not yet negotiated an agreement with Aqua-Pennsylvania, however it continues to work with Aqua-Pennsylvania on revising the Sewer Agreement and hopes to finalize an agreement. Mr. Boldaz will draft the letter.

Overlook Road Farm Treatment Plant Analysis

Mr. Boldaz stated that over the past two months he has received additional information regarding the "Preliminary Treatment Process Analysis for the Overlook Farm Wastewater Treatment." He stated that the most recent information submitted on December 12th addressed his previous comments outlined in his November 19, 2004 review letter.

At last month's meeting Mr. Summers suggested scheduling a tour of several SBR plants prior to making a final decision on the method of treatment. On January 4th several Authority Members and William LaPorte and David Lounsbury of Envirep and Mr. Boldaz toured two SBR plants. The Authority's opinion of the plants was generally positive.

After last month's Authority meeting, a concern was raised regarding the SBR effluent and whether it could meet the receiving stream discharge requirements. Mr. Boldaz received additional information from Ebert Engineering and Aqua Aerobics. Based on his review of the information, it appears that the proposed process would be capable of meeting the anticipated receiving stream discharge requirements.

Mr. Boldaz is recommending the Authority accept the design consultant's choice of SBR as the preferred treatment process.

Mr. Fred Ebert from Ebert Engineering stated approval of the SBR treatment process would be the first step in designing the treatment facility. He envisions having monthly meetings with Mr. Boldaz to lay out a design acceptable to the applicant and to the Municipal Authority. Mr. John Mahoney, legal counsel for K. Hovnanian stated their engineers have reviewed and approved using the SRB process for their development.

Mr. Ebert stated he isn't sure what portion of the treatment plant will be underground or above ground. The Municipal Authority wants to make sure that the plant is as unobtrusive as possible. Mrs. Moser asked where the office space would be contained and would prefer to see a design where that space was incorporated into the treatment plant since this would be more cost effective than having a separate building.

Mr. Summers wanted to ensure that the footprint of the treatment plant allows for possible expansion. The plant is being designed for an additional 100,000 gallons of extra capacity.

The plant will be designed using spray irrigation with a provision for an emergency stream discharge. The scenario would be first to spray the treated effluent on the golf course and then the winter lagoons. The Municipal Authority will need to agree on what constitutes an emergency discharge.

Mrs. Moser made a motion to approve the SBR treatment process as the methodology to be used on the Overlook Road Farm and the K. Hovnanian property. Mr. Summers seconded the motion, with all voting Aye. A letter will be sent to Theresa Lemley, attorney for Pulte Homes and John Mahoney, legal counsel for K. Hovnanian confirming this.

Hillendale Development

Mr. Tim Townes stated that Southdown Homes is now the equitable owner of the Hillendale property off of Rt. 282. They will be proceeding with the civil engineering and sewage testing and expect to be submitting plans for the Planning Commission to review within the next several months. Mr. Townes is aware of the Municipal Authority's concerns regarding public water for this property. Those concerns, as outlined in the April 8, 2003 Municipal Authority Minutes, have been forwarded to him. He indicated that he does not have an agreement or understanding with any utility regarding providing public water.

Pine Hill Associates, Inc. – Conditional Use Application

Pine Hill Associates, Inc. is proposing to develop the property situated at the northwest corner of Dowlin Forge Road and Creek Road, utilizing the Cluster Development Option. The tract is 37.07 acres and is currently comprised of lands used for agricultural purposes with an existing farmhouse, barn, outbuildings and woodlands. An un-named tributary of the East Branch of the Brandywine Creek traverses the southern portion of the tract with an associated flood plain and wetlands. The site also contains areas of steep slopes.

The applicant is proposing 12 new single-family dwellings with the existing farmhouse and barn on a 13.92 acre parcel, for a total of 13 lots. The lots will be serviced by individual on-site sewage disposal systems and public water (subject to the approval of the Conditional Use Application).

Mr. John Shelton, the applicant, attended the meeting, along with Jeffrey Valocchi, Solicitor for Downingtown Municipal Water Authority (DMWA) and DMWA Board Member Graham Miles.

Mr. Shelton met with representatives of the Downingtown Municipal Water Authority last evening to discuss a plan to provide public water to his property via the Tunbridge Development off of Rock Raymond Road and the Whitaker property on Rt. 282 and Dowlin Forge Road. Mr. Miles stated that DMWA is willing to provide water to the Shelton property and the Hillendale property, in addition to providing water to the Whitaker property if it is developed. This might be a venture done solely by DMWA, or may be done in cooperation with Aqua-Pennsylvania. Mr. Miles went on to say that this would only be done with the Township's consent. Mr. Shelton and Mr. Miles were asked who will bear the costs of installing water pipe in that part of the Township. They said that wasn't determined yet.

Mr. Corbin asked Mr. Shelton to provide documentation on the benefits of having this property served by public water. Mrs. Smedley will give Mr. Shelton a copy of the Public Water Connection Criteria for review.

The Municipal Authority asked Mr. Miles if DMWA has the capacity to provide water to these properties *in addition* to providing 500,000 gpd to Aqua Pennsylvania as part of the Cornog Quarry Settlement Agreement. Mr. Miles stated that DMWA did have the additional capacity available. The Municipal Authority would not support any plan using water already allocated to Aqua-Pennsylvania.

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Mr. Corbin stated that one benefit to this plan might be that it would eliminate the need for boring under the Brandywine Creek to provide water to the Hillendale Development, a potential environmental problem. Mrs. Moser stated that using water provided by DMWA would allow the water to stay within the watershed, thus promoting groundwater recharge.

After review of the plan, Mrs. Moser stated that she could not support this application without additional information. She would like to see a larger plan and remains concerned about how storm water runoff from these properties might affect the Borough of Downingtown.

It was the opinion of the Municipal Authority that it was premature to take a position on this application, but did offer the following comments for the Board of Supervisor's consideration.

1. The Municipal Authority would like to see public water methodology that can be reviewed and approved by the Municipal Authority Engineer.
2. There are continued concerns regarding the environmental impacts of boring under the Brandywine Creek.
3. It is the Municipal Authority's preference to keep water within the watershed in order to maintain the water balance.
4. Any capacity provided by DMWA must be in addition to the 500,000 gpd already committed to Aqua-Pennsylvania.
5. The Board of Supervisors should ensure that there are no preexisting agreements with Aqua Pennsylvania to provide water to any of these sites.

Request for Proposal – Wastewater Facilities

The Municipal Authority is seeking the services of a qualified contract operator to operate and maintain sewerage facilities operated by the Municipal Authority. Mr. Piersol sent RFP's to seven organizations. Proposals are due no later than Friday, January 14, 2005 at 4:00 P.M.

A pre-proposal conference will be held at the Township Building at 10:00 A.M. on Friday, January 14, 2005. Mr. Piersol will tour the plant with one of the prospective operators on Friday morning at 8:00 A.M.

Keats Glen/DCCC Wastewater Treatment Plant

Mr. Piersol, Mr. Brown and Mr. VanLew met with Brian Norris from Clean Waters and George Aspinall from Purestream and Jim Wilson from Applied Utility Services, LLC met at the treatment plant to transition the operation and maintenance duties from TMH to Clean Waters, Inc. Mr. Norris reported that the plant is now in compliance with all PADEP regulations. Mr. Brown stated the biggest remaining problem was a layer of scum on the clarifier, probably due to sludge not being disposed of on a timely basis. Mr. Norris is working to correct this problem.

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Mr. Piersol anticipates that the total costs for services will be less with Clean Waters than with TMH. The Authority will now be billed separately for sludge disposal and chemicals, rather than this being part of the overall contract.

TMH still needs to provide the Authority with certain information that was outlined in a letter sent by Mr. Piersol to Mr. Horrox on December 29, 2004. Mr. Piersol will try to have Mr. Horrox give this information to the Authority as soon as possible.

Resolution No. 01 of 2005 – A Resolution for Hopewell, Guthriesville, Keats Glen and Delaware County Community College Sewer Systems pertaining to the regulation of wastewater discharge to the Guthriesville/Hopewell Service Area and the Keats Glen/Delaware County Community College Sewerage Systems.

Mr. Piersol stated that this Resolution takes the place of the East Brandywine Township Sewer Use Ordinance. The primary change from the Ordinance to the Resolution is changes in Section 307 – Penalties for Delinquent Sewer Rentals and Liens, Part 4 Schedule of Fees and Part 5 Collection Procedures. Mr. Summers made a motion to adopt Resolution No. 01 of 2005 pending a final review by the Municipal Authority. Mrs. Moser seconded the motion, with all voting Aye.

Resolution No. 02 of 2005 – A Resolution of East Brandywine Township Municipal Authority Establishing A Service Charge to be Paid to East Brandywine Township Municipal Authority by Persons Issuing Bad Checks or Checks Returned for Insufficient Funds.

This Resolution allows the Municipal Authority to charge \$20.00 to any person issuing a bad check or check returned for insufficient funds. Mr. Summers made a motion to adopt Resolution No. 02 of 2005. Mrs. Moser seconded the motion, with all voting Aye.

Resolution No. 03 of 2005 – Hopewell/Guthriesville Sewer System Tapping Fee

Mr. Piersol stated that one change needed to be made to the Resolution. The second paragraph will be changed from “maximum reimbursement of \$94,100” to “maximum reimbursement of \$93,000”. With that change Mr. Summers made a motion to adopt Resolution No. 03 of 2005. Mrs. Moser seconded the motion, with all voting Aye.

Adjournment

There being no further business, Mrs. Moser moved to adjourn the meeting at 9:45 A.M. Mr. Summers seconded the motion, with all voting Aye.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer