

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, June 14, 2005
7:30 AM

Those in Attendance:

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

Also in Attendance:

Scott T. Piersol, Township Manager
John Spangler, Municipal Authority Solicitor
Joseph Boldaz, Municipal Authority Engineer
Matthew T. VanLew, Roadmaster
Jan C. Bednarchik, Assistant Secretary

Absent:

Michael Corbin, Chairman
Mary Beth Smedley, Secretary

The Municipal Authority met on Tuesday, June 14, 2005, in McCausland Hall. Vice Chairman Kirkpatrick called the meeting to order at 7:30 AM.

Minutes: May 10, 2005

Mr. Kirkpatrick asked if there were any corrections or additions to the above minutes. There were none. Mr. Anthony made a motion to approve the May 10, 2005, minutes as presented. Mr. Summers seconded the motion, and the motion was approved by unanimous vote.

Treasurer's Report

Mrs. Bednarchik read the Treasurer's Report for June 2005. The Municipal Authority account balance as of June 10, 2005, was \$35,012.08. Mrs. Moser made a motion to approve the Treasurer's Report and authorize payment of the bills. Mr. Anthony seconded the motion, and the motion was approved by unanimous vote.

Billing Update

Mrs. Bednarchik reported that certified letters were sent to the following Municipal Authority customers for nonpayment of user fees for the second quarter of 2005: McAnally, Gallagher, Paulose, Straub, and Yanez. Straub and Yanez have already remitted payment. Municipal claims will be filed if the remaining payments are not received by July 5. There are currently two outstanding liens filed against Brian McAnally for non-payment of sewer user fees the second, third and fourth quarters of 2004. However, payment is expected from a refinancing settlement held on Monday, June 13.

A total of \$36,570.73 of the "pre-dedication" fees has been collected to date from the Keats Glen customers. The remaining balance to be collected is \$3,904.35.

Overlook Road Farm

Mr. Boldaz reported he met with Pulte Homes on June 1 to discuss the preliminary layout of the treatment plant. The plan continues to be a work in progress. The collection system design has not been submitted yet, and the pump station design has not been submitted for a second review.

Mr. Grochowski of Pulte Homes advised the Authority that the pump station design is expected to be submitted later today. He also advised that his design engineer, Fred Ebert of Ebert Engineering, met with Mr. Boldaz to review the conceptual layouts of the plan and a floor plan has been finalized. Pulte Homes is proposing to house the various facilities in multiple buildings to make it look like a farm complex with a farmhouse, large barn and silo. Mr. Grochowski submitted pictures of a similar wastewater treatment facility in Springfield Township, York County, which is a 700,000 gallons per day Sequencing Batch Reactor (SBR).

The currently proposed Pulte facility is 300,000 gallons per day, but the facility will be three times larger than the Springfield Township facility and, therefore, for practical reasons, will be too large to house in one building. The SBR tanks and blower room will be located in a large barn, the office, lab and UV disinfection will be located in a farmhouse building, and the sludge holding tank will be located in a silo. Mr. Ebert explained the plan allows flexibility for expansion of two additional 100,000 gallon SBR's and additional blowers. There will be an overhead crane in the barn for equipment access. The proposed layout is intended to keep the generator noise and any potential odors as far away from the houses and as close to the lagoons as possible. A ten to twelve foot earthen berm will be constructed along the rear of the facility to screen it from the currently designed golf course fairway.

Mr. Kirkpatrick questioned whether having the facilities in separate buildings is a cause for concern. Mr. Boldaz commented that housing the facilities within one common building would be more convenient from an operational standpoint; however, the proposed multi-building layout makes no difference from a treatment standpoint. Mr. Boldaz also acknowledged the aesthetic value of the farm complex layout given the size of the plant. Mr. Summers questioned whether corrosion is an issue due to the water and humidity inside a steel building. Mr. Boldaz was unaware of any corrosive issues and noted the Springfield Township plant has been on line since 1998 without any corrosion problems.

Mrs. Moser questioned whether the entire site will need to be fenced. Mr. Ebert responded that all facilities are secured within lockable buildings. Mr. Boldaz commented that he envisions this facility as a central operational hub for the township and is trying to direct the design to provide adequate room for future employees as well as a laboratory that will allow additional sampling from off-site sources and the remote operation of other facilities and pump stations. Mr. Grochowski requested the Board's approval to continue meeting with Mr. Boldaz to finalize the layout and piping for the multi-building design, particularly in light of the difficulties discovered in housing the facility in a single structure as was originally planned. Mr. Kirkpatrick commented that the conceptual design is a clever solution to address the wastewater needs of the project and authorized the ongoing discussion with the Authority's Engineer, focusing these discussions on the multi-building solution. Mr. Boldaz will try to schedule a tour of the Springfield Township plant for members of the Authority.

Hide-A-Way Farms O&M Agreement

Mr. Boldaz reported that he received a draft Operation and Maintenance Agreement on June 8 from Mr. Joseph Riper's office. The Agreement addressed the operation and maintenance of the effluent disposal force main, dosing pump station and controls, generator subsurface disposal beds, and four groundwater monitoring wells for the Hide-A-Way Farms project. Following his initial review of the June 8 submittal, Mr. Boldaz discussed his concerns with Bill Rountree of Wilkinson Builders and then met with Aqua Pennsylvania to discuss the agreement.

Mr. Boldaz received a revised Operations and Maintenance Agreement yesterday afternoon and outlined his review comments in a memorandum dated June 13, 2005. He noted the original paragraph 5 has been deleted from the Scope of Services section and is now offered as "additional services." This paragraph concerns the preparation and submittal of reports or documents to the regulatory agency as required by the Water Quality Management Permit (SEW #1504407) issued to the Township on May 2, 2005, by PaDEP. PaDEP has imposed separate monitoring and testing requirements by both Little Washington Wastewater Company (LWWC) and East Brandywine Township. This additional sampling was not initially considered in the O&M Agreement. Aqua Pennsylvania feels this is an extra service. The Authority may wish to field bids from other service providers. The new paragraph 5 offers that LWWC will provide coordination of sampling and analysis. Under the "Additional Services" section, the new paragraph 4 offers that LWWC will operate and maintain additional treatment equipment such as filters, chemical feed, or disinfection to maintain compliance with the WQM Permit. Mr. Rountree noted that PaDEP has decided to impose stricter effluent standards on the dosing beds which will impact the plant. However, additional information has subsequently been submitted to PaDEP, and it appears they are willing to relax those standards. This is an open-ended cost until the effluent limits have been determined and the design of the treatment process has been finalized. The new paragraphs 5, 6, and 7 offer additional services to cover the cost of sampling and analysis, preparation and submission of permit information, and rental cost for equipment. Mr. Rountree commented that these items are listed as additional services because Mr. Corbin specifically wanted the Authority to be able to seek competitive bids.

According to Mr. Rountree and Mr. Boldaz's assessment, it appears that all the fees described under the "Additional Services" section are estimated to be less than \$3 per month per customer. The term of the agreement has been increased from three to five years to be consistent with the terms of the WQM Permit. The section concerning "Transfer of Discharge System" appears to indicate the Authority has the right to transfer and convey ownership of the discharge system to Aqua Pennsylvania, but that Aqua Pennsylvania would not consider purchasing the discharge system. Mr. Rountree clarified the intent of this section is to give the Municipal Authority the option to transfer the disposal beds to Aqua Pennsylvania for free, and Aqua Pennsylvania must accept them. However, if the Authority sets a sale price on the disposal beds, then Aqua Pennsylvania has the option not to accept them. Mr. Riley further clarified this section gives the Municipal Authority the ability to either stay involved or convey the beds without forcing the Authority into a decision at this point in time.

Mr. Spangler pointed out this situation with the contemplated O&M Agreement is somewhat unusual in that the Agreement is between the Authority and LWWC/Suburban Wastewater Company/Aqua Pennsylvania, and is being negotiated by Wilkinson Builders, while the terms are being dictated by PaDEP. He advised he finds the form of agreement to be as acceptable as it can be under the circumstances. However, he suggested the Authority consider sooner rather than later what it is trying to accomplish and whether it wants to exercise its right to transfer the discharge system. In Mr. Spangler's opinion, the Authority could limit its exposure by granting an easement to LWWC yet still control the amount of sewage flow, but at the same time relieve itself of the sampling and reporting responsibilities under the permit and any involvement in billing customers. Mr. Summers moved to approve the Sewage Operation and Maintenance Agreement for the Hide-A-Way Farms Subdivision with a final revision date of June 13, 2005. Mrs. Moser seconded the motion, and the motion was approved by unanimous vote. Mr. Kirkpatrick asked Mr. Boldaz and Mr. Spangler to develop a list of pros and cons on transferring the disposal beds for discussion at the next meeting.

[8:52 AM – Mrs. Moser left at this time]

Downingtown Area School District

Mr. Gil Lappano, Director of Facilities for the Downingtown Area School District (DASD), attended the meeting along with Mr. Guy Donatelli, Esquire, Counsel to the DASD, to request the Authority's approval of the Main Extension and Service Agreement for the Brandywine Wallace Elementary School on Dilworth Road. Mr. Lappano explained that DASD has been working with Aqua Pennsylvania to provide a public water line to the school building. Aqua Pennsylvania requires the approval and signature of both the School District and East Brandywine Township before it will proceed with the work.

Mr. Lappano noted that DASD wishes to move away from the use of the existing private well and would like to install a water line now even if the building and property sits unused for a period of time. According to Mr. Lappano, the existing potable well is classified as a non-transient, non-community water supply, and the system operator is currently grandfathered for operating as opposed to the more stringent PaDEP regulations. However, there is a strong expectation that DEP will impose the testing and licensing requirement on the operator in the future.

Mr. Lappano pointed out that DASD experienced some equipment problems and water quality issues during the 2003 drought. Mr. Donatelli said he understood the Township and Municipal Authority had both approved the concept of extending the water line, and that the Township identified fire hydrants to be installed to enhance fire protection in the area. He inquired whether there are specific concerns that need to be addressed in order for DASD to move forward.

Mr. Kirkpatrick noted the school property is currently located outside the Aqua Pennsylvania franchise area and the East Brandywine Township designated growth boundary, which is an area designated to use well water, not public water, and that the DASD proposed water main extension would be adjacent to many homes in which the owners have expressed interest in obtaining public water, but may not be eligible to connect.

In addition, the Municipal Authority members voiced concern about significantly increasing the value of the DASD Brandywine Wallace property if it is serviced by public water. Concerns were expressed regarding the possibility that DASD could sell the property to a third party, including a developer. Mr. Lappano asserted that the property will not be sold and will always be used as an educational facility. Mr. Lappano said there remains a growing need for elementary schools in the District, and the DASD is looking for property to build another middle school. Mr. Donatelli confirmed that DASD will not be selling the property to a third party and that the DASD will maintain the property under its ownership for many, many years.

Mr. Spangler advised Authority members that he has not had an opportunity to review the proposed Agreement yet, but he suggested that it might be possible to develop language to restrict the use of the Brandywine Wallace property in the future such that Municipal Authority concerns regarding the supply of water to a structure other than a school would not be allowable. Mr. Donatelli and Mr. Spangler will meet in an attempt to revise the Agreement to address the concerns expressed by the Municipal Authority.

Adjournment

There being no further business, Mr. Anthony moved to adjourn the meeting at 9:15 AM. Mr. Summers seconded the motion, and the motion was approved by unanimous vote.

Respectfully submitted,

Jan C. Bednarchik
Assistant Secretary