

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**

**Tuesday, May 9, 2006**

**7:30 AM**

**Those in Attendance:**

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

**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, May 9, 2006 at the East Brandywine Fire Company. There were six visitors present. Mr. Corbin called the meeting to order at 7:30 AM.

**Minutes: April 11, 2006**

Approval of the April 11, 2006 Minutes was postponed until the June 13<sup>th</sup> Municipal Authority meeting.

**Treasurer's Report**

Mrs. Smedley read the Treasurer's Report for April/May 2006. The Municipal Authority account balance as of May 9, 2006 was \$61,168.14. Mrs. Smedley was asked if the delinquent accounts in the Keats Glen development was for money owed to the Municipal Authority or for pre-dedication fees owed to Southdown Homes. Mrs. Smedley reported that there are two delinquent homeowners who still owe pre-dedication fees to Southdown Homes. The first, Mr. James Ortlieb, has been slowly paying off his debt. The second, Mr. Thomas Mazza, has not paid any of his pre-dedication fees. Mrs. Smedley and Mrs. Bednarchick have spoken to Earl Cooke from Southdown Homes about taking formal action against Mr. Mazza in order to satisfy this outstanding debt. The Municipal Authority asked that the pre-dedication fees for Mr. Mazza be removed from the Aging Summary report she files each month, since this is the responsibility

of Southdown, and to better reflect that the monies are not truly due to the Authority, but rather to the developer. Mrs. Smedley will contact Mr. Cooke again to make sure that Southdown Homes follows up on collecting this outstanding balance. It was also noted that the delinquent amounts will still be identified during a real estate transaction if sewer certifications are requested for those properties with delinquent accounts. 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 of the proposed development 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, Fred Ebert, John Curtin, Louis Colagreco, Esq. and Theresa Lemley, Esq. attended the meeting on behalf of Pulte Homes.

### Agreement for Construction and Operation of Community Sewage Facilities

Mr. Colagreco provided a revised copy of the *Construction and Operation of Community Sewage Facilities* document the previous afternoon for the Municipal Authority to review. He stated that he incorporated most of Mr. Corbin's comments into the Agreement, but did want to discuss the provision Mr. Corbin suggested be included that had to do with proportionate allocation. Specifically, Mr. Colagreco was concerned about how this might be implemented because it anticipates future developers (yet to be identified with certainty) to pay for the treatment plant. Mr. Corbin stated that his intent was to provide an example of how a developer's proportionate share would be determined so that there would be no confusion between the developer and the Municipal Authority. There is still some uncertainty about the status of projects for the Weaver

and Watters properties; if they move forward it is expected that those projects will connect to the Applecross Treatment Plant. Mr. Colagreco suggested that a hypothetical example of how the proportionate share could work could be attached to the agreement. It was noted that a tapping fee methodology could also be used.

Mr. Grochowski anticipates that the treatment plant will be operational by the 4<sup>th</sup> quarter of 2007. Other developers will need to reserve capacity. It was noted that the *Agreement* reserved 55,000 gpd for Guthriesville. The Municipal Authority needs only 45,000 gpd for connections in the Guthriesville Sewer District, so the additional 10,000 gpd can be disposed of at the discretion of the Municipal Authority. Mr. Grochowski reported that construction bids for the treatment plant are coming in between 5.5 million dollars and 6.2 million dollars.

Language will be added to page 26, item #1 that will state "It is understood that the Golf Course Operator is relying on minimum flows to the golf course of at least 137,680 gpd at build-out of the Proposed Development for irrigation purposes and the Authority shall take no action **beyond their control** that would interfere with, or cause a less gpd flow to the golf course, absent written agreement with the Golf Course Operator."

The Municipal Authority members will review the revised Agreement. Mr. Corbin expects it to be signed in the near future. Mr. Spangler will brief Township Solicitor Stacey Fuller on the changes to the document. Once the Municipal Authority signs the Agreement, it can then go before the Board of Supervisors for their review and consideration.

#### Draft Sewage Service Connection Agreement

Mr. Spangler will provide the latest draft of the Agreement for the Municipal Authority to review. If a tapping fee method is implemented to charge users, alternative language may need to be added to the Agreement. Developers will need to reserve capacity for the treatment plant no later than at the time the plant developers receive final plan approval. Mr. Spangler will provide a draft document to representatives of Gambone Development and K. Hovnanian for their review.

#### Temporary Intermunicipal Sewer Service Agreement

Mr. Corbin and Mr. Kirkpatrick provided their comments to Mr. Spangler to incorporate into the Temporary Intermunicipal Sewer Service Agreement. Mr. Spangler asked that if other Authority members have comments, they should forward them to him at their earliest convenience.

The Agreement is specific to the temporary treatment of the Pulte West flows from West Brandywine Township to the treatment plant in East Brandywine. Mr. Grochowski only plans to send the Pulte West flows to the treatment plant in East Brandywine Township until the East Brandywine Guthriesville flow is diverted to the plant, or 2009 when Pennsylvania American

will be expanding their treatment plant and the West Brandywine flows would then be diverted to Pennsylvania American's Coatesville plant. Added protections have been incorporated into the Agreement including that if West Brandywine Township does not reimburse East Brandywine Township for their bulk sewer capacity in a timely manner there are provisions whereby liens can be placed on the properties of West Brandywine Township residents. To date, this Agreement has not been reviewed by West Brandywine Township.

Mr. Grochowski was asked what would happen if the arrangement to treat Pulte West flows at the Pennsylvania American plant does not take place. Mr. Grochowski stated that would be Pulte's risk and that he would have to cap the number of units being constructed in East Brandywine Township to offset the number of West Brandywine units.

### **Sewer Odor Issues**

Mrs. Smedley reported that a resident in the Culbertson Run development has complained about odors in his development that he believes are originating at the Little Washington Wastewater Treatment Plant. Mrs. Smedley asked the resident to keep a daily log for the next several weeks for the Municipal Authority Engineer to review.

In February Mr. Piersol, Mr. VanLew and Mr. Boldaz met with Alan Roth of Aqua Pennsylvania to discuss the tributary sewer system and the Little Washington Wastewater Treatment Plant. The sewer system from Guthriesville and the Hopewell development, as well as the sewer system from the Timbers and Pinebrooke developments are tributary to the Little Washington Wastewater Treatment Plant.

The Guthriesville and Hopewell flows are conveyed via gravity sewers to the Guthriesville Pumping Station and pumped through a force main approximately 10,600 feet to the headworks of the Little Washington Wastewater Treatment Plant. Flow from the Timbers and Pinebrooke developments are conveyed by a combination of gravity sewers and the force main from the Timbers Pump Station to these same headworks.

During the treatment plant visit, an occasional and faint "rotten egg" odor (indicative of hydrogen sulfide and septic conditions) was noticed at the headworks or influent vault of the treatment plant. This odor could be associated with septic wastewater, and can be caused by the bacterial reduction of sulfate to sulfide, and the subsequent release to hydrogen sulfide gas into the atmosphere.

Mr. Roth indicated the influent equalization basin was aerated to prevent the wastewater from becoming septic. Currently, an operator needs to do this manually. Mr. Boldaz said it would be more efficient if the times for aeration could be controlled by a timer. Mr. Boldaz also stated that Mr. Roth was to lay a burlap odor control blanket across the gate to try and resolve this problem. He will follow-up to see if this has been done. Hopefully, once all of the homes in the

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Guthriesville Sewer District connect to the treatment plant it will solve this problem it is attributable to the force main.

### **Hide-A-Way Farms**

The Hide-A-Way Farms project is underway. Mr. Boldaz stated the developer is ready to start construction of the drip irrigation wastewater disposal beds. Mr. Boldaz suggested that Municipal Authority members might like to tour the site once construction begins on the beds and pump station. Mr. Corbin stated he would be interested in doing that. It was noted that Mr. Boldaz does not anticipate the same pump station/force main situation as with the Guthriesville Sewer District force main because Hide-A-Way Farms is much closer to the Little Washington Wastewater Treatment Plant.

### **Adjournment**

There being no further business, Mr. Corbin moved to adjourn the meeting at 8:30 A.M. Mr. Kirkpatrick seconded the motion, and the motion was approved by unanimous vote.

Respectfully submitted,

Mary Beth Smedley  
Secretary/Treasurer  
East Brandywine Township