

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
JANUARY 8, 2019**

Those in Attendance:

Michael Corbin, Chairman
Sandra Moser, Vice Chairman
David Summers, Treasurer
David Whelihan, Member
Don Graewe, Member

Also in Attendance:

Scott Piersol, Township Manager
Luke Reven, Assistant Township Manager
Matthew Van Lew, Township Road Master
Thomas Oeste, Esq., Municipal Authority Solicitor
Joseph Boldaz, Municipal Authority Engineer
Jan C. Bednarchik, Recording Secretary

The Municipal Authority meeting of Tuesday, January 8, 2019, was called to order at 7:34 AM in the East Brandywine Township Municipal Building by the Chairman. Visitors included Dave Friedman of EEMA, Sam Dever of Hydraterra, Don Sample of Land Development Services, Sebastian Ferrar of NVR, Inc., Jason Winters, and Matt Kanapesky.

Annual Reorganization

Mr. Piersol confirmed the reappointment of David Whelihan to a new five year term by the Board of Supervisors. His term expires December 31, 2023.

Mrs. Moser moved to reappoint Mike Corbin as Chairman of the Municipal Authority for 2019. Mr. Whelihan seconded the motion, which carried unanimously.

Mr. Summers moved to reappoint Sandy Moser as Vice Chairman of the Municipal Authority for 2019. Mr. Graewe seconded the motion, which carried unanimously.

Mrs. Moser moved to reappoint Dave Summers as Secretary/Treasurer of the Municipal Authority for 2018. Mr. Whelihan seconded the motion, which carried unanimously.

Mr. Corbin moved to reappoint Thomas Oeste of Buckley Brion McGuire & Morris as Authority Solicitor for 2019. Mrs. Moser seconded the motion, which carried unanimously.

Mr. Corbin moved to reappoint Joseph Boldaz of Hydraterra Professionals as Authority Engineer for 2019. Mrs. Moser seconded the motion, which carried unanimously.

Mr. Summers moved to reappoint Jan Bednarchik as Recording Secretary for 2019. Mr. Graewe seconded the motion, which carried unanimously.

Mr. Corbin moved to appoint DNB First as the depository for 2019, and to appoint David Summers, Sandy Moser, Scott Piersol, Luke Reven, Jan Bednarchik, and Mary Slade, Township Secretary/Treasurer, as signatories, with three signatures required on the checks. Mrs. Moser seconded the motion, which carried unanimously.

Mr. Summers moved to confirm the monthly meeting schedule for 2019 as the second Tuesday of the month at 7:30 AM and a work session on the last Friday of the month at 8:00 AM. Mr. Graewe seconded the motion, which carried unanimously.

Minutes

Mr. Summers moved to approve the minutes of December 11, 2018, as written. Mr. Graewe seconded the motion, which carried unanimously.

Treasurer's Report

Mrs. Bednarchik read the Treasurer's Report and provided a list of 25 invoices for the month of January totaling \$65,449.14 for payment. Mr. Summers moved to approve the bills for payment as presented. Mr. Corbin seconded the motion, which carried unanimously.

Twelve customers remain delinquent for the fourth quarter of 2018. Several delinquent notices were unclaimed and will be sent again by First Class Mail.

Mr. Oeste will coordinate with the Authority Secretary to remain current on lien filings that are due and will contact Ms. Linsley and Mr. Lundmark to try to arrange payment agreements on their delinquent accounts or initiate collection proceedings.

Mapleview

Don Sample of Land Development Services and Sebastian Ferrar of NVR, Inc., attended the meeting to discuss the Mapleview and Weaver Tract projects. Regarding Mapleview, Mr. Sample advised that construction is proceeding with the installation of the sanitary sewer pipe.

Mr. Sample and Mr. Ferrar proposed an opportunity for cost savings on their part as developers of the two projects and long-term savings for the Authority as operator of the facilities. Mr. Sample suggested that the drip fields on each site could be serviced by a single pump station, which could be located on the Mapleview project on the north side of Route 322 or on the Weaver tract on the south side of Route 322. He requested the Authority's support to authorize Mr. Boldaz to engage in discussions with him, NVR and Ebert Engineering about the possibility of devising a system that avoids duplication of having two identical pump stations. He explained that the pump station on the Mapleview tract would pump the raw effluent to the Applecross Treatment Plant, and batches of treated effluent would be pumped back to a tank on the Mapleview tract where the drip

control facility will pump it to the respective disposal beds. Mr. Sample indicated that the drip fields at Mapleview have already been sized based on the soil testing analysis conducted during the preliminary plan stage, and that the Weaver tract will go through that same process with DEP. Mr. Sample also confirmed that financial security has been posted for constructing the facilities as originally planned for Mapleview, and the Part II Water Quality Management Permit (WQM) application for the drip disposal facilities, which includes the rerate for Applecross, is being finalized for submission to DEP. He said he is fully prepared to build what has been planned and approved for Mapleview, but he believes there is still plenty of time to contemplate a much more cost-effective alternative.

Mr. Summers' questioned what would happen if the single pump station is constructed and NVR decides not to develop the Weaver tract. Mr. Sample explained that, if the Weaver project is delayed or deferred for any reason, he would enter into a reimbursement agreement with the Municipal Authority to recoup his investment for funding the entire capacity.

Mr. Boldaz supported the proposed concept to eliminate the need for another pump station as long as the two developers are able to work out the details and the soils evaluation being requested by DEP confirms that the loading rates are the same as they existed from the previous evaluation. He added that the review comments in his 1/05/19 letter on the Drip Irrigation WQM Part II Permit Application and Design Drawings need to be addressed prior to submission to DEP and reinforced the need to continue to pursue getting permitted for the independent system at Mapleview and the rerating for Applecross while evaluating the joint disposal for the Weaver tract.

Mr. Summers moved to authorize Hydraterra Professionals to engage in a study on the feasibility of a single pump station to serve the Mapleview and Weaver tracts. Mr. Graewe seconded the motion, which carried unanimously. Mr. Boldaz will assign a separate project number for the study, and Mr. Sample and Mr. Ferrar agreed to split the engineering fees.

Keats Glen

The Authority Solicitor sent a letter to M&B Environmental on 12/21/18 to confirm that the Operations and Maintenance Agreement would terminate on 12/31/18. The letter also advised M&B of their responsibility to prepare the monthly Discharge Monitoring Report (DMR) for December and return their keys to the Authority office.

EEMA assumed operation and maintenance responsibilities at the Keats Glen plant as of 1/01/19. Dave Friedman reported that EEMA will be using M.J. Reider Associates for laboratory services. No samplers were found on site, so the influent and effluent samplers will be rented from the lab at \$200 per month. Quotes will be obtained for purchasing the two samplers. EEMA is also in the process of obtaining price quotes for chemicals from Main Pool Company and will be preparing a list of maintenance items at the plant.

A Change of Operator form was completed and submitted to DEP. The main operators are Michelle Steele and Jim Brady.

Applecross

Mr. Friedman reported on the treatment plant operations for the month of December. The plant continues to operate well and meet all permit parameters.

Routine maintenance included the weekly alternating of the effluent pumps, cleaning the disk filter, and exercising the check valves to the wasting line from SBR #1 and #2. An issue with the drip panel/effluent pump controls was detected on 12/29/18 when the level in the filtrate tank was not lowering. The effluent pumps, which convey the treated effluent from the filtrate tank to the lagoons, would not work in auto mode. Upon consultation with the Authority Engineer, Eastern Environmental Contractors (EEC) was contacted to troubleshoot the problem since they had already done an evaluation of the drip panel for the upcoming project. EEC determined that the controller containing the programming logic to operate the effluent pumps had failed. Since the entire panel will be replaced within the next six months, EEC installed a two-float analog control system in the filtrate tank to operate one of the effluent pumps. As a backup in case this temporary control system fails, EEMA purchased chemicals to treat for phosphorus and began feeding SBR #1 only as of 1/04/19 to prepare for stream discharge, if necessary. EEMA does not intend to utilize stream discharge as long as the temporary controls function as intended. However, stream discharge will be necessary by May of this year when EEC is onsite to reconfigure the effluent pumps and replace the drip panel.

MGK Industries submitted revised structural drawings and a schedule for the Disk Filter Walkway project. Pending a final review and approval of the drawings by Hydraterra, MGK will order the materials and begin installing the walkway at the end of the month and the beginning of February. Mr. Friedman confirmed that he has selected the mobile platform ladder that is best suited to access the UV side of the disk filter and will place the order.

The specifications for the carbon replacement project have been drafted and are ready to be posted on COSTARS pending any final comments from Mr. Corbin and Mr. Whelihan on the proposed sampling tubing.

DEP issued a letter on 12/18/18 confirming receipt of the Annual Groundwater Report for the Applecross Wastewater Treatment Plant and noted that a Groundwater Background Report is overdue. Hydraterra will provide the additional report to DEP.

Hydraterra reviewed all the shop drawings for the Effluent Pumping and SBR No. 3 Modification project and returned them to Eastern Environmental Contractors for some final revisions. Active construction will start in May and completion is anticipated in August.

Dedication of the remaining sanitary sewer facilities being offered for dedication will remain a placeholder on the agenda until such time as the maintenance bond is received and the inflow and infiltration issues are resolved.

Mr. VanLew advised that Road Department personnel inspected certain manholes suspected of possibly contributing to inflow and infiltration on 12/21/18. A manhole located near the

intersection of Mercer Drive and Bondsville Road was observed to have substantial flow coming from the direction of Mercer Drive. He suspected that infiltration may be coming from the blocked storm sewer pipe outfall at the basin and infiltrating into the sanitary sewer system. Mr. Piersol alerted the Applecross Homeowners Association of their responsibility to clean the outfall, which is clogged with leaves. An inspection of the manholes in the Mercer and Knauer Drive areas by Hydraterra on 12/06/18 found some cleanouts and vent stacks that were compromised and could be contributing to inflow and infiltration into the collection system. Mr. Boldaz would like to continue with the investigation on a weekly basis in the middle of the night to try to pinpoint the primary source of inflow and infiltration and, if necessary, televise the area to determine whether there is a cracked pipe or illegal sump pump connections.

The Estates at Dowlin Forge (a.k.a. Hillendale)

Hydraterra is in the process of reviewing shop drawing submittals for the precast post-tensioned tank and process equipment. Mr. Boldaz reported that Hydraterra received an email from Pikeland Construction inquiring about the status of the shop drawing reviews. Since Mike Tulio of Metropolitan Development Group previously made it clear that he was not to communicate directly with his consultants, Mr. Boldaz notified him of the email inquiry and advised that Hydraterra was aware of the long lead items and was proceeding with the shop drawing reviews. Mr. Boldaz noted that the construction schedule initially submitted with the Pump & Haul Agreement indicated that shop drawings would not be submitted for review until the 67th housing unit was constructed. The current number of occupied dwellings is forty-four. Mr. Corbin recalled that Mr. Tulio attended the Authority's work session in November and stated that he wanted the shop drawings to be reviewed as they were submitted and that he was not putting a time limit on the Authority Engineer's review. Mr. Tulio further stated that a construction schedule would be prepared whenever Hydraterra completed its review. However, Mr. Corbin noted that recent emails from Mr. Tulio have voiced his objection to the review process and alleged delays on the part of Hydraterra. Although Metropolitan's schedule specified the shop drawing review process would not be on the critical path until the 67th home was constructed, Mr. Corbin said there is interest in moving the project forward. Mr. Boldaz said Hydraterra will review the shop drawings as quickly as possible but his review will be thorough to ensure that each component interrelates with all the others.

At this time, Matt Kanapesky of 425 Creek Road asked to address the Board and proceeded to discuss various legal and other private matters between him and the previous and current developer of the Estates at Dowlin Forge concerning the water line crossing on his property. Due to the lengthy agenda, Mr. Corbin suggested that Mr. Kanapesky request to be on the agenda of the next meeting. However, Mr. Kanapesky continued speaking and interrupting the meeting. Upon his refusal to leave, the Police Department was called to remove him from the meeting room.

Mrs. Moser commented on the importance of having a schedule for the progression of shop drawing submittals and that the schedule is followed to allow the Authority Engineer to prepare for the work effort. Mrs. Moser further stated that it was important to receive the tank submittal first to be able to verify that the process equipment fits and the piping arrangement aligns with the penetrations in the precast post-tensioned tank. She recalled asking Fred Ebert, Metropolitan's

engineer, if he felt the sequencing of shop drawing submittals was beneficial to the review process and he agreed. Mr. Corbin echoed these concerns and stated that the piecemeal submissions are creating an additional work effort for the Authority Engineer.

A proposal from Spotts, Stevens and McCoy (SSM) to provide engineering services to complete a structural review of the proposed treatment tank for a fixed fee of \$2,900 was approved at the 12/11/18 meeting. The approval was conditioned upon receipt of a revised proposal with the limit of liability language deleted as recommended by the Authority Solicitor and further conditioned upon receipt of a certificate of insurance for their professional liability/errors and omissions. A revised proposal was received and signed by the Chairman and returned to SSM on 12/19/18.

DEP issued a letter on 12/17/18 approving an extension of the pump and haul plan through 4/01/19. The letter noted that the pump and haul plan has been the subject of multiple violations related to pumping and inspection frequency. If violations continue to occur, DEP may require a more frequent pumping and inspection schedule. The letter also included a Pump and Haul Facility Report to be completed with a summation of the number of units connected and the daily volume pumped and requires the signature of the "Municipal Sponsor." Copies of the monthly log and the Pump and Haul Facility Report must be sent to Kelly Sweeney at DEP by the 10th day of the following month. Mrs. Bednarchik left a voicemail message for Ms. Sweeney yesterday to inquire about the necessity for a signature by the municipal sponsor without having adequate time to verify the accuracy of the information before the due date. If a signature is required, the Solicitor provided suggested language to be added as a disclaimer.

Mr. Corbin noted that the Municipal Authority has had previous experience with pump and haul programs without incident. Despite assurances from Mr. Tulio and his counsel, the violations and discrepancies in the monthly logs continue to occur. Mr. Corbin said this current situation needs to be reconciled because the Municipal Authority is the permittee and further violations may compromise the Authority's relationship with DEP.

Mr. Tulio indicated in a recent email to Mr. Piersol that Metropolitan intends to submit a blasting permit for the final section of homes and the wastewater treatment plant site. No detailed plans have been submitted yet. Mr. Boldaz prepared a Technical Memorandum outlining the blasting requirements in the Authority's Sewer Specifications and the specifications for the Hillendale Wastewater Treatment Facility. The Memorandum was submitted to the Authority Solicitor for review.

Hide-A-Way Farms

A revised Bulk Sewer Agreement proposing a bulk rate of \$13.50 per 1,000 gallons was submitted to Matt Miller at Aqua via email on 12/04/18. Mr. Boldaz reported that an email response from Mr. Miller indicated that the revised agreement was forwarded to his superiors for their review. Dedication of the sanitary sewer facilities is contingent upon completion of the punch list items and resolution of the Bulk Sewer Agreement.

DEP issued a letter on 12/18/18 confirming receipt of the Annual Groundwater Report for the Hide-A-Way Farm Disposal Area. DEP concluded that the facility should not adversely impact groundwater resources meant to be used as a water supply.

East Brandywine Center

Ebert Engineering submitted a Sewage Facilities Planning Module Application Mailer requesting a planning exemption for the proposed commercial retail center to DEP on 11/08/18. To date, there has been no response from DEP.

Weaver Tract

DEP issued a letter to Ebert Engineering dated 12/21/18 concerning the Sewage Facilities Planning Module Application Mailer submission for development of the Weaver Tract, which is proposing sewage disposal by drip dispersal. The Department is requiring evaluations of site suitability to be completed by the project sponsor's soil scientist and registered professional geologist and confirmed by representatives of DEP. The Township and Municipal Authority must also be given the opportunity to observe all field evaluations and provided at least two weeks' notice before the scheduled evaluation. Mr. Boldaz noted that previous soils testing of the site occurred at least ten years ago.

Hydraterra issued a letter on 1/04/19 with review comments on the sanitary sewer design plans, including a recommendation that the applicant consider routing the sewage from House #1 through #107 directly to the Applecross Boulevard interceptor to minimize the capacity demand on the Bondsville Road pumping station. The design of the preliminary development should consider the requirements for effluent storage as discussed in Authority Resolution No. 1 of 2017.

Act 537 Planning Grant

The draft sewage needs survey was finalized and sent to a select number of Township Board and Committee members to complete as a test of the electronic submission and data collection process. To date, only eleven of twenty-three surveys have been received. Mr. Corbin commented that the introductory letter and educational materials were well-presented but suggested that perhaps some of the survey questions could be simplified to encourage a better response. The Task Force will meet after the meeting to look at ways to simplify the survey and to prepare an article for the Milemarker newsletter to explain the importance of the survey.

Old Business

The proposal to provide auditing services for the year ending 2018 was signed by the Chairman and returned to BBD, LLP.

The Authority Engineer and Solicitor will research existing policies and coordinate to draft a policy specifically requiring homeowners to maintain their cleanouts and vent stacks, imposing fines for noncompliance, and granting the Municipal Authority the authority to take corrective

action and bill the homeowners. A letter and brochure addressing the illegal connection of sump pumps to the public sewer will also be prepared for inclusion in a future billing.

New Business

The Pennsylvania Municipal Authorities Association provided notification that the bidding thresholds for 2019 provide for an annual inflation adjustment as follows: purchases and contracts below \$11,100 require no formal bidding or written/telephonic quotations; purchases and contracts between \$11,100 and \$20,600 require three written/telephonic quotations; and purchases and contracts over \$20,600 require formal bidding.

The Pennsylvania Municipal Authorities Association Region 1 Dinner Meeting will be held on 1/31/19 at Presidential Caterers of Distinction in East Norriton.

Public Comment

None.

Adjournment

Mr. Summers moved to adjourn the meeting at 9:10 AM and enter into Executive Session to discuss legal matters. Mrs. Moser seconded the motion, which carried unanimously. A work session will be held on Friday, January 25, 2019.

Respectfully submitted,



Jan C. Bednarchik
Secretary