

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
JANUARY 14, 2020**

Members in Attendance:

Sandra Moser, Vice Chairman
David Summers, Treasurer
Thomas McClung, Member

Absent:

Michael Corbin, Chairman
David Whelihan, Member

Also in Attendance:

Scott Piersol, Township Manager
Matthew VanLew, 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 14, 2020, was called to order at 7:30 AM in the East Brandywine Township Municipal Building by Mrs. Moser. Visitors included Dave Friedman and John Dean of EEMA, Fred Ebert of Ebert Engineering, Sam Dever of Hydraterra Professionals, Sebastian Ferrer of NVR, Inc., and counsel Lindsay Dunn, Esq.

Annual Reorganization

Mrs. Moser moved to reappoint Mike Corbin as Chairman of the Municipal Authority and appoint Dave Summers as Vice Chairman for 2020. Mr. McClung seconded the motion, which carried unanimously. Mr. Summers conducted the remainder of the meeting.

Mr. Summers moved to appoint Sandy Moser as Secretary/Treasurer of the Municipal Authority for 2020. Mr. McClung seconded the motion, which carried unanimously.

Mr. Summers moved to reappoint Thomas Oeste of Buckley Brion McGuire & Morris as Authority Solicitor for 2020. Mr. McClung seconded the motion, which carried unanimously.

Mr. Summers moved to reappoint Joseph Boldaz of Hydraterra Professionals as Authority Engineer for 2020. Mrs. Moser seconded the motion, which carried unanimously.

Mr. Summers moved to reappoint Jan Bednarchik as Recording Secretary for 2020. Mrs. Moser seconded the motion, which carried unanimously.

Mr. Summers moved to appoint S&T Bank, formerly known as DNB First, as the depository for 2020, and to appoint David Summers, Sandy Moser, Scott Piersol, Luke Reven, and Jan Bednarchik 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 2020 as the second Tuesday of the month at 8:00 AM and a work session on the last Friday of the month, as needed, at 8:00 AM. Mrs. Moser seconded the motion, which carried unanimously.

Minutes

Mrs. Moser moved to approve the minutes of the regular session on December 10, 2019, as written. Mr. McClung seconded the motion, which carried unanimously.

Treasurer's Report

Mrs. Bednarchik read the Treasurer's Report and provided a list of twenty-eight invoices for the month of January totaling \$148,047.09 for payment from the Operating Account. Mrs. Moser moved to approve the bills for payment as presented. Mr. McClung seconded the motion, which carried unanimously.

Ten customers remain delinquent for nonpayment of user fees for the fourth quarter of 2019. Delinquent notices sent by certified mail that were unclaimed will be sent again by First Class Mail. Municipal claims will be filed if payment is not received by January 26, 2020.

There were five settlements in December at The Estates at Dowlin Forge. The total number of occupied dwellings is ninety-five, plus two model homes and a sales center. The developer will be notified that financial security was due to be provided prior to issuance of the 91st Certificate of Occupancy.

Keats Glen

John Dean reported that the plant is operating well, and all permit parameters were met in December. EEMA continues to organize and file records from the previous operator. First aid supplies were ordered for the operations building. Powdered hypochlorite is being used to treat filamentous organisms. EEMA's maintenance team measured the decant line setup for the possible use of PVC pipe.

Dave Wolfinger of DEP issued a Notice of Violation on 12/13/19 for exceeding the effluent discharge limitations established in the NPDES Permit for most of the 2018 and 2019 calendar years. A response letter detailing the replacement of certain process equipment and the quality and frequency of maintenance by the new operator was prepared and submitted to DEP on 12/23/19.

Applecross

Mr. Friedman reported that the treatment plant is operating well, and all permit parameters were met in December. SBR #2 was taken offline for cleaning and maintenance and repair of some leaks in the air line. Once SBR #2 is placed back into service, SBR #1 will be taken offline for cleaning and will become the standby unit. The drip system remains offline pending American

Manufacturing adjusting the programming to recognize the daily discharge limits to the six individual drip zones. The pump stations were cleaned by McGovern Environmental to remove grease. Township staff set up the portable stairs for the disk filter. The float on the decant pump in the sludge holding tank needs to be replaced. The submersible pump used to transfer water in between tanks failed due to water in the motor.

Mr. Boldaz provided an update on the Effluent Pumping and SBR #3 Upgrade project and reported that the Operator Interface Terminal (OIT), which allows the disposal of treated effluent to the drip system, is partially blanked out due to moisture getting behind the viewing panel. Eastern Environmental Contractors and American Manufacturing were notified, and a replacement panel is expected to be delivered by January 27. Mr. Boldaz suggested a roof be constructed over the control panel to protect it from condensation dripping from the ceiling. Mr. Dever prepared a sketch for the proposed roof and cost estimates will be provided for the Board's consideration.

Mr. Boldaz gave an update on the plant rerate for the Applecross Treatment Plant and the Water Quality Management (WQM) Part II Permit for Mapleview. The permit, originally submitted as two applications, has been combined in a "Pre-final WQM permit" provided by DEP. Mr. Boldaz provided comments on the special conditions to DEP by email on 1/03/20, as summarized below:

- The permittee shall submit a report of the influent flow at the ATP and the number of houses occupied and connected to ATP in each month with the eDMR for that month, as a supplemental report.
Comment: PADEP is suggesting that the number of connections to the ATP be reported monthly via eDMR. Flow is already reported on a monthly basis as part of the eDMR program. If the comment is to remain, it should be corrected to read... "and the total number of houses occupied and connected from the Mapleview development to ATP...as a supplemental report." Mr. Boldaz noted that, after discussions with DEP, they will modify the condition to suggest quarterly reporting rather than monthly.
- In the Special Conditions Section J.2.f, a table for the Applecross Drip Area is presented showing zones and subzones. Tables found in Section J.2.f and Section J.3.C.g also show zones and subzones for the Mapleview Drip Areas.
Comment: DEP is requiring that the drip irrigation system be programmed to operate at the subzone level. The ability to record flows to subzones is not possible. Subzone flow is based on time rather than a measured flow. Significant system reconfiguration would be required to meet the subzone permit criteria.
- Item J.2.c. requires a reinspection of the Applecross Re-Use Irrigation System.
Comment: Problems related to drip irrigation as mentioned in the permit rerate application were a result of computer communication with the drip field components and have been rectified by the recent drip panel improvements as part of the Effluent Pumping and SBR #3 Upgrade project. Reinspection of the existing facility would result in additional operator and engineering charges and seems unnecessary.

Mr. Boldaz noted that the pre-final permit adds only 26,950 gallons per day of drip capacity for the Mapleview development and does not include the 50% backup area. The pre-final WQM permit indicates that additional planning and permitting will be required to construct these backup areas. It was explained to DEP that the Authority and Township regulations require each new

development to provide land area capable of disposing of 150% of the total planned effluent flow generated by their development. The 50% additional amount provides for operational flexibility and a safety factor for the system as a whole. Requiring additional planning implies that future developers may not be required to provide the additional 50%. DEP was asked to reconsider this issue and grant approval for the entire disposal area. Communication with DEP is ongoing, and Mr. Boldaz is hopeful that the final permit will be issued soon.

Mr. Oeste mentioned that some of the dedication documents for Applecross Phase V-B need to be updated due to the time that has passed since they were first submitted. Mr. Boldaz reviewed his files and confirmed that the as-built drawings and easement descriptions are in order. Televising videos of the sanitary sewers in Applecross Phase V-B were reviewed and a punch list was issued to Pulte on 11/08/19. There has been no response from Pulte to date. Upon completion of the punch list, a final walk-through of the collection system will be scheduled.

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

Fred Ebert of Ebert Engineering attended the meeting to provide an update on construction of the treatment plant and drip irrigation fields and to discuss the legal issues to allow startup of the treatment plant prior to dedication. Mr. Ebert suggested that he and Mr. Boldaz need to work on the technical requirements for a clean water test and startup of the system. The Authority Solicitor and counsel for Metropolitan Development Group need to discuss the amendments to the Development Agreement should the Authority allow startup prior to dedication. Other issues to be addressed include hiring a contract operator, billing the customers, and deciding how the money collected is utilized to pay for the contract operator and any operating expenses until dedication.

The issue of the deficiency in the amount of drip tubing installed compared to the quantity specified in the DEP permit was also discussed. Mr. Boldaz said he spoke with Dan Hudson of Evans Mill Environmental about his letter of 11/25/19 and also spoke with an independent engineer about the shortage of tubing. He indicated that, while he can't disagree with Mr. Hudson's recommendation that the loading rate to the drip areas can be increased to mitigate the perceived loss of disposal capacity without adverse impact on the functioning of the disposal system, he is concerned that the Authority only has those beds available for discharge. There is no stream discharge permit for this project. Mr. Boldaz noted that Areas 5 and 6 were tested and have capacity and suggested that the developer dedicate those areas in lieu of the shortage of tubing so the Authority will have the ability to discharge to those areas in the future. Mr. Ebert said he would speak to his client and will need to make sure there would be no impact on the open space calculation or other negative impact on the land development.

Mr. Oeste stated for the record that the Board has not made any decisions on the drip fields or on the issue of amending the Development Agreement and pointed out that the issues Mr. Ebert brought up at this meeting are proposals at this point and have not been agreed to by the Board. Mr. Ebert said he is attending meetings and generating the discussion to address any concerns the Board may have and that he in no way assumes the matter is approved.

Mr. Summers recommended that Mr. Ebert prepare separate emails to define the issues related to amending the Development Agreement and the issues related to plant startup and the drip fields.

Metropolitan Development Group issued a letter on 12/16/19 disputing certain charges in the November invoice from Hydraterra Professionals.

Hide-A-Way Farms

Mr. Boldaz reported there has been no response from Tim Townes of Southdown Homes to the punch lists prepared for the development pump station, dosing pump station and disposal area. Matt Miller at Aqua recently inquired about the status of dedication because Aqua is eager to cease operation of the pump station. Mr. Friedman noted that he and John Dean visited the pump station and are prepared to submit a quote for twice weekly visits for the Board's consideration.

A meeting with Maggie Trio of the Hide-A-Way Farms Management Company and Greg Rhoads, President of the Homeowners Association, was held on 12/12/19 to discuss the impending sewer system dedication and transition to municipal billing. Mr. Boldaz advised that a large portion of the anticipated user fee is the result of the bulk sewer rate being charged by Aqua. He also stressed the importance for homeowners to conserve water and refrain from dumping fats, oil and grease down the drain to control operation and maintenance costs. Mrs. Bednarchik mentioned that billing and other information provided to new customers, including copies of the FOG and No Wipes In Pipes brochures were emailed to Ms. Trio for distribution to their homeowners just prior to dedication. Ms. Trio reciprocated by providing a list of homeowner names and addresses to be entered in the billing system.

Mapleview

The status of the Water Quality Management Part II Permit for the Mapleview drip disposal system was discussed earlier in the meeting in relation to the Applecross rerate application. Nancy Sansoni at DEP has requested information on the loading rates to each subzone. Mr. Ebert noted that all of the drip zones are equal, but the loading table is being revised to make all of the subzones equal. He also noted that the drip field design included a 5% contingency for potential losses during the approvals process. The revisions will consume most of the 5% contingency, but the development will still have more than the required capacity.

Mr. Ebert indicated that the Mapleview and Weaver Tract developers remain committed to the combined pump station and drip disposal system for their respective developments but are waiting for DEP to issue the Part II Permit for Mapleview before moving forward.

Weaver Tract

Mr. Oeste stated that he issued a letter dated 1/13/20 to Marvin Wilenzik, Esquire, counsel for Applecross Club Operations, in response to his letter of intent to work with NVR to devise an agreement for utilizing the Applecross lagoons to meet their storage capacity requirements. The letter indicated that Applecross Club Operations does not have the legal authority to enter into an

agreement to sell or assign storage capacity in the Applecross lagoons to a property owner or developer, and that a determination on the issue of storage and disposal capacity will be discussed with NVR and a decision will be made by the Authority. Mr. Wilenzik acknowledged receipt of the letter by correspondence dated 1/14/20.

Mr. Ebert stated that NVR and representatives of Mapleview remain committed to work together to maximize the drip area and save costs by using a combined system. However, he noted that the Sewage Facilities Planning Module (SFPM) for the combined system cannot be completed and submitted to DEP until the storage issue is resolved. He, along with Sebastian Ferrer and Lindsay Dunn, counsel for NVR, attended the meeting to work toward resolving the storage issue and any other issues in order to move forward with the SFPM submission. Ms. Dunn stated that it was not the Applecross Club Operation's or Mr. Wileznik's intention to exclude the Municipal Authority from the discussion, but rather an indication of their willingness to help advance the project. She requested some indication from the Board that use of the Applecross lagoons for backup storage would be acceptable so the SFPM can be finalized and submitted to DEP. Mr. Oeste suggested having a staff meeting to try to resolve any issues related to the SFPM and service to the development. Ms. Dunn requested the meeting be scheduled as soon as possible and indicated that Adam Brower of Edward B. Walsh & Associates would be making a resubmission to the Township tomorrow or possibly later this afternoon. Mr. Boldaz inquired about the status of the easement and whether or not it will be provided. Ms. Dunn said the easement can be provided without disturbing the layout on the most recent submission if there can be some official resolution to the storage issue. She referred to prior meeting minutes which stated that the lagoons were originally intended to serve both Applecross and the K. Hovnanian developments and that, if the position of the Authority is that that remains feasible, she would like to make that representation to the Board of Supervisors. Mr. Ebert added that, if there is a consensus of the Board to utilize the existing storage lagoons at Applecross, the developer would make the same conceptual agreement and place the easement on the plan subject to having the appropriate agreements in place and working out the engineering issues. Mr. Boldaz stated that, despite his repeated requests to show the easement on the plans, he has not seen the proposed location and, therefore, cannot comment on whether a 20' easement is sufficient to allow for future construction. Ms. Dunn requested some positive indication today that the storage issue can be resolved and then the easement will be shown on the resubmittal to the Township with a copy provided to Hydraterra for review. Mr. Ferrer noted that there is a point where the easement is tight between an existing property and a proposed lot, and NVR would want to get relief in order to not lose lots. He also questioned the request for NVR to not only provide the easement, but to also construct the force main within the easement at its cost. Mr. Boldaz said that comment was made to try to advance the discussion on behalf of the Municipal Authority and noted that other developers have agreed to such requests in the past.

Mr. Summers stated that he would like to get Chairman Corbin's input prior to the Board making a commitment on the storage issue. Mr. Oeste opined that a resolution on the storage issue could be done quickly upon consulting with Mr. Corbin and review of the plan submission showing the location of the proposed easement. He also mentioned that the Authority might decide to waive the storage requirement. Mr. Ebert expressed concern that showing the easement on the plan constituted NVR's commitment to the easement without first getting some resolution on the storage issue. Mr. Boldaz suggested adding a note to the plan that the easement is contingent upon

resolution of the storage requirement. He asked for an electronic copy of the plans and pledged to review them promptly with a goal toward resolving all concerns by the end of the week.

Act 537 Planning Grant

The Act 537 Task Force will meet at the conclusion of this meeting.

Old Business

A letter dated 12/18/19 was received from Allen Bixler, Property Manager for Brandywine Village Associates, in response to the Annual FOG Report, which recommended that the grease interceptor at Dunkin Donuts be cleaned at least quarterly. Mr. Bixler advised that no cooking is performed at Dunkin Donuts and requested that the facility be treated the same as Dairy Queen, which also does no cooking on the premises and has no grease trap. The existing grease trap at Dunkin Donuts was installed when Burger King occupied the premises. Mr. Boldaz mentioned that he spoke with Mr. Bixler about replacing one of the grease traps at China Moon, which is damaged and appears to be undersized, and recommended that a Sludge Judge sampler be used to measure the amount of FOG before the next cleaning. PreDOC currently cleans and inspects the facility on a bi-monthly basis, but the grease trap appears to be full before each cleaning. Mr. Bixler is collecting documents to determine if the grease trap is filling up within a 2-week time frame and, if so, will consider upsizing the trap. He invited Hydraterra to witness the next cleaning where PreDOC will first measure the amount of FOG with the Sludge Judge and replace a missing baffle.

A proposal for providing auditing services for the 2019 Audit is pending from BBD, LLP.

Mr. VanLew sent an email to PennDOT concerning the issue of the sinkhole that has developed on Horseshoe Pike, approximately 200 feet east of Bondsville Road. He relayed the Authority's decision not to televise the sanitary sewer lines in the area because the sinkhole is the result of the underlying subbase and base stone having become saturated from high ground water. Mr. Piersol reported that PennDOT anticipates repairing the sinkhole this spring by installing flowable fill. PennDOT Site Inspector Ken Cavanaugh cautioned that the flowable fill would seal any cracks or voids that might exist in the sewer mains in that location. However, Mr. VanLew noted that the sewer lines are deeply buried ductile iron pipe and no problems have been noted.

The Board of Supervisors deferred action on the reappointment of Mike Corbin to a new 5-year term on the Municipal Authority pending consideration of Supervisor Winters' recommendation to appoint a Supervisor Liaison to the Board. Mr. Oeste noted that the Municipalities Authorities Act states that a member may remain in office until their successor is appointed. The agenda and minutes of 12/10/19 incorrectly referenced the reappointment of member Thomas McClung.

New Business

None.

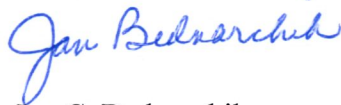
Public Comment

None.

Adjournment

Mrs. Moser moved to adjourn the meeting at 8:53 AM. Mr. Summers seconded the motion, which carried unanimously. A work session meeting is scheduled for Friday, January 31, 2020.

Respectfully submitted,



Jan C. Bednarchik
Secretary