

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
WORK SESSION
JANUARY 31, 2020**

Members in Attendance:

Michael Corbin, Chairman
David Summers, Vice Chairman
Sandra Moser, Treasurer

Absent:

David Whelihan, Member
Thomas McClung, Member

Also in Attendance:

Scott Piersol, Township Manager
Matthew VanLew, Township Road Master
Thomas Oeste, Esq., Municipal Authority Solicitor
Robert Preston, Hydraterra Professionals
Jan C. Bednarchik, Recording Secretary

The Municipal Authority work session of Friday, January 31, 2020, was called to order at 8:02 AM in the East Brandywine Township Municipal Building by the Chairman. Visitors included Michael Braver of Gladwyne BH Investments, Don Sample of Land Development Services, Fred Ebert of Ebert Engineering, Gia Raffaelli, Esq., counsel for Metropolitan Development Group, Sebastian Ferrer of NVR Inc., Lindsay Dunn, Esq., counsel for NVR, and Supervisor Jason Winters.

Applecross

The Water Quality Management (WQM) Permit for the Applecross Wastewater Treatment Plant rerate was approved and issued by DEP on January 29, 2020. The WQM Permit increases the treatment capacity to 186,016 gallons per day (gpd) and includes an approved disposal capacity of 26,950 gpd for the Mapleview Drip Irrigation system.

Mr. Preston reported that Eastern Environmental Contractors was on-site at the treatment plant yesterday to provide a quote for installation of a water hammer arrestor on the Lakeside Raptor Rotating Drum Screen.

Hydraterra received notice from Pulte Homes that items on the dedication punch list are scheduled to be repaired on Tuesday, February 4. Upon completion, a final walk-through will be scheduled.

Hide-A-Way Farms

Hydraterra previously issued punch lists for the development pump station, dosing pump station and disposal area and awaits a response from Southdown Homes on completion and timing for dedication.

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

A special meeting requested by Fred Ebert was held on 1/24/20 to discuss the technical aspects of testing, startup and initial operation of the treatment plant. In addition to Mr. Ebert and Gia Raffaelli on behalf of Metropolitan Development Group, attendees included Tom Oeste, Joe Boldaz, Bob Preston, Scott Piersol, Matthew VanLew, and Jan Bednarchik, representing the Township/Municipal Authority, and Dave Friedman and John Dean for EEMA O&M Services. Mr. Ebert stated that the main outcome of the meeting was to proceed with dedication of the treatment plant and conveyance systems rather than do a startup procedure prior to dedication. He said this philosophy changed when Mr. Oeste represented that construction of Drip Field 1 could be a punch list item. Mr. Oeste clarified that this was a discussion item only and would require approval by the Municipal Authority. The discussion focused on the significant equipment and other items to be completed before testing and operation can occur. These items included final power, communications and other control wiring, completion and receipt of the drip control and fiber optics panels, installation of the influent fine screen, flow metering equipment, SBR decant valve, completion of the stone driveway behind the treatment plant and construction of a knee wall to allow maintenance access. Mr. Ebert acknowledged that the startup process cannot begin until electrical power becomes available and noted that PECO is scheduled to supply electrical power on 2/14/20. Once the plant is fully energized and the drip system is complete, Mr. Ebert anticipates two weeks for coordinating and scheduling a clean water test of the treatment tanks with the manufacturer's representatives and plant operators toward a goal of plant startup on 3/15/20. In the meantime, he is concentrating on other items needed to be completed prior to dedication, including certain easements, the collection system, etc. An updated construction schedule was distributed.

The status of the drip fields was discussed. Mr. Boldaz had previously requested that consideration be given to dedicating test areas 5 and 6 to the Municipal Authority in lieu of the shortage of tubing in Drip Area 2. Mr. Ebert noted that there is an ongoing investigation to identify the ownership of that land and the potential impact on Township requirements such as the open space calculation.

Mr. Ebert asked if the Board is amenable to proceeding with dedication and operation of the treatment plant in March with extensive punch lists, which would include Drip Field #1, cosmetic items at the plant, etc. Mr. Corbin responded that the Authority will compile notes from the meeting on 1/24/20 so there will be a consolidated list of outstanding items to be certain everyone is in concert. Mr. Ebert said he will share his notes from the meeting, too. Mr. Corbin also said input will be sought from the Authority Engineer and Solicitor concerning Drip Field #1 and reiterated the request for dedication of test areas 5 and 6 as a contingency for the future.

The issue of billing the customers was also discussed. Ms. Raffaelli explained that the residents are currently being billed at the same rate as Applecross as part of the Homeowners Association fee. The fees collected are less than the actual pump and haul fees, with the developer incurring the excess cost. Ms. Raffaelli indicated that the residents want to know when the plant will be operational because they want to get off the pump and haul. She will provide an update at the annual HOA meeting on 2/27/20 and asked that the Authority determine the final user fee as soon as possible.

Mr. Summers expressed his concern about rushing to dedication with an extensive punch list just because the pump and haul is expensive for the developer and because the Authority can bill the residents. He also expressed concern about the potential lack of incentive to complete the punch list items once the plant is dedicated. Mr. Corbin concurred that this is a valid concern based on past history. Mr. Ebert said he is present to get a consensus from the Board on whether to establish a startup procedure and delay dedication or start the dedication process realizing that there will be punch list items remaining for completion. He mentioned that contractors are proceeding to finish items that are not weather dependent or dependent on PECO, such as the easements, flushing the collection system, etc., and added that the developer would be willing to establish a date certain for completion of the remaining items and that they would remain accountable and report to the Authority each month. Mr. Piersol suggested Mr. Ebert prepare a draft punch list so the Authority knows what to expect and possibly consider dedication with some escrow set aside. Ms. Raffaelli indicated that the punch list would not contain any critical items related to the plant operation and suggested that many concerns could be drafted into an agreement with some financial security and dates certain for completion. Mr. Corbin suggested the first step be to exchange notes from the January 24th meeting and then develop a punch list with completion dates. Mr. Ebert said he expects to have an accurate and more realistic construction schedule by the end of February or early March. Mr. Oeste added that it's important for the Authority to understand what is actually completed and what is in a near completion stage so it has some idea of what can be offered for dedication. He suggested a phased dedication with the completion and dedication of Drip Field #1 at a later date rather than as a punch list item. He also suggested an analysis be done to determine the number of houses that can be connected before Drip Field #1 is needed.

Mr. Preston questioned the handwritten note on the current construction schedule stating that the fiber optic lines had been installed and tested because Hydraterra was not present during testing. Mr. Ebert clarified that the telecommunications was installed, but final connection and testing cannot be done until the drip panels are installed and electric power is available.

Weaver Tract

Hydraterra issued a letter on 1/27/20 with review comments on the sanitary sewer design drawings prepared by Edward B. Walsh & Associates, bearing a last revision date of 1/14/20. The letter included additional comments and recognized certain comments from previous reviews that have been resolved. The letter noted that additional on-site storage would not be required so long as the applicant agreed to provide a 20-foot wide utility easement across the property for future transfer of treated effluent, provided the required 50% of reserve drip disposal capacity on-site for the development was completed, and the applicant continued to work towards a combined drip disposal system with the Maplevue development. Other review comments referenced building setbacks, minimum separation between water and sewer utilities, landscaping, wetlands crossing, manholes, etc. Sebastian Ferrer of NVR, Inc., issued a letter of response on 1/29/20 addressing the individual review comments, including an agreement to grant a force main easement to the Authority in exchange for a waiver of the on-site storage and removal of the requirement that NVR construct the force main, subject to certain conditions in his email of 1/14/20 and the 1/29/20 letter. Mr. Ferrer also confirmed that he will continue to work with the Municipal Authority, Township, DEP and Maplevue representatives to accomplish the combined drip system. Mr. Ferrer and Ms.

Dunn attended the meeting to talk through the issues in the letter. Mr. Ferrer confirmed that the force main easement requested by the Authority was accommodated to the extent that it conflicts with some of their requirements for landscape buffering. As a result, he requested cooperation and support for a waiver from the landscaping requirements. Mr. Corbin felt this request could be accommodated. Ms. Dunn added that the developer will be seeking preliminary plan approval from the Board of Supervisors next Thursday and requested there be some form of communication from the Authority to the Board of Supervisors in support of whatever modification is needed to implement the easement. Mr. Oeste stated that the Supervisors have the authority to modify the zoning requirements and approve the buffering plan considering the location of the easement. He also suggested the buffer located close to Bollinger Road behind the Fry property could be accommodated by moving the easement closer to Horseshoe Pike, if feasible.

Mr. Corbin addressed the issue of storage with the intent to try to provide storage at the Applecross Golf Course. He indicated that the Authority would work out the details with the Golf Course. Mr. Ferrer requested support on this issue and confirmation for their meeting with the Board of Supervisors next Thursday. Ms. Dunn and Mr. Ferrer confirmed that Adam Brower, civil engineer, will comply with all conflicts related to minimum horizontal separation between sewer and water services, the depth of the sewer run from Manhole 14 downstream, and building setbacks.

Ms. Dunn stated that the applicant would like to move forward with submission of the amendment to the Sewage Facilities Planning Module (SFPM), and requested formal confirmation from the Municipal Authority that it supports the concept of the combined system between Mapleview and the Weaver Tract, such that 100% of the disposal capacity for both communities would be implemented on the Weaver Tract along with the dosing station, and the 50% reserve that is representative of both communities would remain at Mapleview. Mr. Ferrer added that they are at a critical juncture with the permitting and approval process and timing for their contractual agreement with the Downingtown Area School District. He also noted that Mapleview received its Part II Permit and is under construction, so timing is important to know whether to proceed with the combined system or an individual system. Mr. Ebert elaborated on the significance of how the SFPM is written. For the combined system, the SFPM would have to specify one site for the dosing station, where it will be built, the construction, and the routing. DEP will only approve the construction of portions of the drip fields where there is a need, and the SFPM would need to identify the zones to be used by Mapleview and the zones to be used by Weaver, even though it is all common wastewater. That will be the basis for amending the Part II permit recently issued for Mapleview. Mr. Corbin recalled that the Authority had previously moved to support the combined effort. Ms. Dunn stated that that motion was made prior to the meeting with DEP last November, and they are now looking for formal confirmation.

Don Sample confirmed that, if the effort for a combined system should fall through for any reason, the option still remains for Mapleview and Weaver to proceed with their own individual systems. Mr. Sample provided an update on the Mapleview project and indicated that PECO anticipates supplying electric power next Tuesday, at which time, work will commence on powering the pump station and preparing for testing in March. With the Part II Permit now in hand, Mr. Sample said the parties are in a good position to discuss the shared pump station. He said DEP granted until the 122nd house to commence construction, which provides a 2-year window to proceed with the

combined system. He added that the effluent return force main is installed all the way from the Applecross treatment plant, under Horseshoe Pike, to the transformer on-site, if needed. All plumbing, electric and hardware is in the ground and will be live next week.

Ms. Dunn requested a motion from the Authority granting approval to submit the planning module amendment to DEP for 100% of the disposal capacity on the Weaver Tract and the 50% reserve on Maplevue for both projects. Mr. Ferrer reinforced NVR's commitment to the combined system and suggested that some resolution be determined at the next Authority meeting on February 11 to give all parties additional time for discussion.

Mr. Piersol will prepare a letter to the Board of Supervisors to confirm the discussion at this morning's meeting regarding the 20-wide easement for future installation of a sewer force main, the landscaping issue, and the waiver of the on-site storage requirement for their consideration of preliminary plan approval.

Act 537 Planning Grant

Mr. Piersol advised that he sent a letter on 1/22/20 to the Department of Community and Economic Development requesting an extension of the grant contract period to June 30, 2021. The reason for the extension is to allow adequate time for review and approval by DEP, which is expected to take six to eight months.

Old Business

An engagement letter from BBD, LLP for preparation of the 2019 Audit Report was received and signed by Chairman Corbin.

The reappointment of Mr. Corbin to a new 5-year term on the Municipal Authority was confirmed.

New Business

The work session dates on the last Friday of November and December were found to conflict with the Thanksgiving and Christmas holidays and office closures. Therefore, the meetings will be rescheduled for Friday, November 20, and Friday, December 18. The change in meeting dates will be duly advertised.

Mr. Summers reviewed the 2019 year end budget report and noted that the projected revenue for Keats Glen was slightly lower than projected and expenditures were drastically over budget due to necessary equipment repairs/replacement. He recommended that funds from the Keats Glen Capital Reserve Fund be transferred to reimburse the Operating Fund. Projected revenues for Applecross were slightly over budget and expenditures were slightly under budget.

Mr. VanLew reported that one of the blowers from Applecross was taken to Aerzon for evaluation and was found to be unrepairable. The report from Aerzon indicated that the unit appeared to have been running with low oil.

Public Comment

None.

Adjournment

Mrs. Moser moved to adjourn the meeting at 9:24 AM. Mr. Summers seconded the motion, which carried unanimously. The next meeting is Tuesday, February 11, 2020.

Respectfully submitted,



Jan C. Bednarchik
Secretary