

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY  
FEBRUARY 11, 2020**

**Members in Attendance:**

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

**Absent:**

Thomas McClung, 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, February 11, 2020, was called to order at 8:00 AM in the East Brandywine Township Municipal Building by the Chairman. Visitors included Dave Friedman and John Dean of EEMA, Fred Ebert of Ebert Engineering, Sam Dever of Hydraterra Professionals, Sebastian Ferrer and John Lynch for NVR, Inc., and Mike Tulio of Metropolitan Development Group.

**Minutes**

Mr. Summers moved to approve the minutes of the regular session on January 14, 2020, and the minutes of the work session on January 31, 2020, as written. Mrs. Moser seconded the motion, which carried unanimously.

**Treasurer's Report**

Mrs. Bednarchik read the Treasurer's Report and provided a list of twenty-two invoices for the month of February totaling \$33,999.53 for payment from the Operating Account. Mrs. Moser moved to approve the bills for payment as presented. Mr. Corbin seconded the motion, which carried unanimously.

There were no settlements in January at The Estates at Dowlin Forge. The total number of occupied dwellings remains at ninety-five, plus two model homes and a sales center.

## **Keats Glen**

John Dean reported that the plant is operating well, and all permit parameters were met in January. Maintenance items included the installation of a new sump pump in the blower room.

A report prepared by Hydraterra indicated there were no excursions during the fourth quarter of 2019. Mr. Dean indicated that manhole sampling of the collection system will continue through July 2020. He will ascertain the appropriate contact person at the Community College to discuss the use of "green" cleaning products to control ammonia.

There has been no further communication from Dave Wolfinger at DEP following the Authority's written response to the Notice of Violation issued in December 2019.

## **Applecross**

Mr. Friedman reported that the treatment plant is operating well, and all permit parameters were met in December. Routine maintenance was performed, and the flow meters were calibrated.

A quote was obtained from Xylem Water Solutions USA, Inc., for a submersible pump to replace the original pump which recently failed. Mr. Corbin moved to purchase the Flygt submersible pump at a cost of \$6,786.78 per the quote from Xylem, with the cost to be paid from the Applecross Capital Reserve Fund. Mr. Summers seconded the motion, which carried unanimously.

Mr. Friedman reported that the blower unit for the sludge holding tank failed due to low oil as a result of operator error. EEMA will take responsibility for the cost of the replacement unit and has instituted procedural changes to ensure against a future recurrence. EEMA's maintenance staff installed the new blower and it is operational.

Mr. Friedman noted that effluent disposal was recently changed to stream discharge because the effluent pump does not work automatically without the Operator Interface Terminal (OIT). As discussed last month, the OIT control panel was damaged by condensation dripping from the inside of the reactor building roof. Eastern Environmental Contractors and American Manufacturing were notified, and a replacement panel was expected to be delivered by January 27. Rick Weller, maintenance director for EEMA, contacted Eastern and found out the panel was sitting idle in their shop. Mr. Weller picked up the panel and installed it but has had difficulty gaining access to the software program from American to make the panel operational. EEMA will be preparing an invoice for these services which should have been performed by the contractors. Mr. Boldaz will contact American about taking care of the additional cost from EEMA to install the panel. Hydraterra is withholding a pay application submitted by American Manufacturing until the issues with the control panel are resolved.

Mr. Friedman also noted that he received an email this morning from Doug Rau, the Golf Course Operator, indicating that recent rain events have precluded any spray irrigation and the lagoons are almost full. As a result, Mr. Rau is requesting disposal via stream discharge beginning March 2<sup>nd</sup> through April. EEMA intends to get the OIT control panel operational and then discontinue the

stream discharge in order to verify that the panel controls both the pump to the lagoons as well as to the drip fields. Once the panel operation is confirmed, EEMA will stop the lagoon discharge, per the request of Mr. Rau, and discharge 22,000 gallons per day to the drip fields with the remainder going to the stream until discharge to the lagoons can be resumed. Mrs. Moser expressed opposition to stream discharge and felt the matter needed to be discussed further, noting that the golf course is required to accept 137,680 gallons per day. Mr. Boldaz presented a Lagoon Storage Capacity Report for 2019 showing the lagoon capacity peaked at 95% in March and gradually decreased over the summer months before increasing to 75% in December. A meeting will be held with Mr. Rau to discuss this issue and understand what is being done on his end to try to dispose of the treated effluent.

A proposal from Rick Weller to construct a roof over the OIT panel at a cost of \$500 was accepted since it was well below the minimum requiring formal approval. The roof was constructed and installed.

Hydraterra issued a letter to Robert Hermley of Pulte Homes on 1/29/20 concerning the status of the items on the punch list issued on 11/08/19 following a review of the televising videos. Brubacher Excavating was on-site last week to investigate the source of debris in the collection system and found a long wooden stake stuck inside a cleanout stack. Mr. Boldaz spoke with Jeff Cantlin, Township Building Codes Official, to make sure the cleanouts are free of debris, extend a minimum of 8" above ground, and are watertight and secure prior to issuing a use and occupancy permit. Mr. Cantlin will be asked to attend the next meeting to discuss the level of inspections and how they might be improved.

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

Metropolitan Development Group indicated that additional financial security for the pump and haul program will be provided within the next two weeks.

A Meeting Memorandum was prepared by Hydraterra from a compilation of notes taken at the special meeting held on 1/24/20 to discuss the technical aspects of testing, startup and initial operation of the treatment plant. Mr. Ebert gave an update on some of the issues related to the treatment plant construction and startup as follows:

- Regarding construction of a retaining wall at the rear of the treatment plant, Mr. Ebert will review the plans to determine whether there is a wetlands or other environmental constraint that might preclude moving the retaining wall further back to the proposed fence location as recommended by Hydraterra. Mr. Ebert said he would prefer to do additional grading and stabilization versus constructing the retaining wall citing a concern for a truck tire going over the wall in icy conditions. Mr. Boldaz expressed concern about the minimal clearance for a crane truck to access the rear of the treatment tanks to perform maintenance and noted that construction of a retaining wall is specified on the drawings.
- Pikeland Construction will meet with Jeff Cantlin to verify and schedule code inspections.
- PECO is expected to set the electric meter for the treatment plant this week. The two pump stations are fully energized.

- The drip panel and possibly the fiber optic panels are on-site.
- Aqua Aerobics was on-site last week to do an initial check of the mechanicals.
- Evans Mill has begun the first sampling of groundwater monitoring. DEP requires groundwater monitoring to begin six months prior to startup.
- Clearing and construction of Drip Field #1 will be delayed until spring because of wet ground conditions.
- Work is ongoing inside the treatment plant. Vaults have been delivered but may not have been installed.
- A meeting is scheduled with Bob Preston of Hydraterra and the operators later this week to discuss the clean water startup procedure.
- Operator training will be coordinated once startup is scheduled.

With regard to the Authority's request for dedication of Drip Test Areas 5 and 6 for potential future installation of drip disposal facilities, Gia Raffaelli, counsel for Metropolitan, confirmed that the land is now owned by the Homeowners Association (HOA). Therefore, the Authority would have to submit a letter to the HOA Executive Board, and they, in turn, would make a presentation at the full residential HOA annual meeting scheduled for February 27. Ms. Raffaelli is continuing to research the potential implications with respect to the land development plan approval, such as the open space calculation. Mr. Ebert suggested the Authority attend the HOA meeting to discuss the easement issue and be prepared to answer questions about when municipal billing will begin and what the user cost will be. Mr. Tulio mentioned that all of the open space issues had to be disclosed to the residents and acknowledged by their signing off on the HOA package documents and explained that the current residents would have to agree to amend all the documents going forward. The potential impact on the open space calculation per the approved plan is a further complication.

Mr. Ebert summarized that he is currently working on an updated construction schedule; creation of a punch list for Pump Stations 1 and 2, the wastewater treatment plant, and Drip Fields 2, 3, 4 and 5; creation of a startup procedure of mechanical equipment with clean water and wastewater; a schedule of all required third party inspections; and scheduling operator training concurrent with plant startup. He will also follow-up on the drip panel issues and the retaining wall.

Mr. Boldaz is working on the user fee calculation and received a quote from EEMA for operation and maintenance and a quote from M.J. Reider for sampling of the monitoring wells. He speculated that the quote from M.J. Reider may not have taken into account that the monitoring wells are not as easily accessible as they are at Applecross and will require a lot of walking and carrying equipment. Evans Mill Environmental recently inquired whether the Authority wants them to continue groundwater monitoring of the disposal beds at Hide-A-Way Farms. Mr. Boldaz suggested consideration be given to obtaining a package quote for quarterly sampling at all current and future facilities. A scope of work including the frequency, parameters and locations of the wells at each facility will be prepared.

### **Weaver Tract**

Mr. Ferrer attended the meeting to follow-up on the discussion about a combined disposal system with the Mapleview development and an individual system for the Weaver Tract. Following the

joint meeting with Mr. Boldaz, Mr. Piersol, Mr. Ebert and representatives of the Mapleview development, NVR has reached the conclusion that the combined system may not be feasible based on several factors, most notably the timing of certain milestone requirements per their agreement with the Downingtown Area School District. He proposed moving forward with their Sewage Facilities Planning Module (SFPM) and Water Quality Management (WQM) Part II Permit applications that would permit the entire 150% disposal area for the Weaver Tract. In order to address concerns about the Mapleview WQM Permit having been approved by DEP for only 100% of drip disposal area, Mr. Ebert prepared two different narratives for consideration by the Authority Engineer with the understanding that a meeting will be scheduled with DEP for their input and direction. Mr. Ferrer asked the Board to allow NVR to move forward with the SFPM application by authorizing Mr. Boldaz to sign the Component 3J Capacity Certification, subject to revisions deemed necessary by DEP. Mr. Ebert added that the Township Planning Commission, Chester County Planning Commission, and Chester County Health Department have signed off on Components 4A, 4B and 4C, outstanding issues in the Hydraterra review letter of 11/12/19 have been addressed in his written response dated 2/10/20, and NVR is committed to providing 150% of its disposal area. Mr. Ebert reiterated the request for signature on the Capacity Certification in order to proceed with the public notice requirement and pledged that the developer would not ask the Board of Supervisors to approve a resolution amending the Township's Act 537 Plan until an agreement is reached between the Authority and DEP on the two narrative options.

Mr. Ferrer indicated that there is still a willingness to cooperate with having some shared facilities with Mapleview, but certain time constraints to close with the School District on acquisition of the property and internal issues have made time of the essence. Mr. Ebert added that revisiting the discussion may proceed once approvals and permits are in hand and without risk to either party.

Mrs. Moser moved to authorize the Authority Engineer to sign the Component 3J Capacity Certification subject to review and confirmation by the Authority Engineer and Authority Solicitor that it meets all engineering and legal requirements.

### **Mapleview**

Legal issues related to the WQM Permit approval will be discussed in Executive Session.

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

Tim Townes of Southdown Homes requested a meeting with Hydraterra and the Township's Building Code Official to look at the pump stations and discuss issues related to the punch lists. The meeting will take place this Friday. Mr. VanLew will attend on behalf of the Township.

EEMA submitted a quote for operation of the pump station at \$475 per month. The quote was added to the user fee calculation and resulted in a slight increase in the quarterly fee. Mr. Boldaz mentioned that the cost for groundwater monitoring of the disposal beds was not included in the user fee calculation because he felt it would be unfair to charge the residents of Hide-A-Way Farms when they are not discharging to those disposal beds. Mr. Corbin recommended the proposed

quarterly user fee be increased from \$260 to \$270 per quarter in order to establish a capital reserve fund. A resolution will be prepared for adoption at the March meeting.

### **Act 537 Planning Grant**

Mr. Boldaz reported that Sections 1, 2 and 3 of the Act 537 Plan Update are complete. Mr. Piersol will be consulted about future growth in the Township for completion of Section 4.

The Department of Community and Economic Development (DCED) acknowledged receipt of the request for an extension of the contract period and is in the process of amending the grant contract.

### **Old Business**

Mr. Boldaz reported that Hydraterra was contacted by PreDOC for a reinspection of the grease trap and baffle repair at China Moon. The grease trap was observed to be about 50% full at the time of the inspection. Therefore, no change to the monthly cleaning frequency is recommended at this time.

### **New Business**

None.

### **Public Comment**

None.

### **Adjournment**

Mrs. Moser moved to adjourn the meeting at 10:00 AM and enter into Executive Session to discuss legal matters. Mr. Corbin seconded the motion, which carried unanimously. A work session is scheduled for Friday, February 28, 2020.

Respectfully submitted,



Jan C. Bednarchik  
Secretary