

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
WORK SESSION
MARCH 27, 2020**

Members in Attendance:

Michael Corbin, Chairman
Sandra Moser, Vice Chairman
David Summers, Treasurer
David Whelihan, Member
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 work session of Friday, March 27, 2020, was called to order at 8:00 AM in the East Brandywine Township Municipal Building by Chairman Mike Corbin. Mr. Corbin read the following statement at the start of the meeting: *“Due to the Coronavirus pandemic and to protect public health and safety of the Township officials and our residents, the Municipal Authority is conducting this meeting by webinar. Minutes of the meeting will be prepared. Township staff are operating the control panel for this webinar and also joining us remotely are other members of the Municipal Authority, so we have a quorum. All other parties joining us can hear me but your own phones and computer microphones are muted, so we cannot hear you. To enable the organized meeting, we are using the following procedure: I would ask that all participants wait to be recognized before speaking. To be recognized, you must ask Assistant Township Manager Luke Reven, acting as the moderator for the webinar, to unmute your audio connection. You may request this at any time via the chat feature on the webinar app. Each person recognized should state their name and their affiliation and state your comment or question clearly, and I will then designate someone to respond, if necessary. If any agenda items require a vote, I will ask for a motion from one of the members of the Authority to start discussion; and after we discuss the motion, but before the vote, I will ask if there is any public comment on the motion.”* A roll call was taken with all five Municipal Authority members indicating they were present. Three outside participants also joined the meeting including Fred Ebert of Ebert Engineering.

Applecross

Mr. Boldaz reported that the new Operator Interface Terminal control panel has been operating for the past month. Approximately 11,000 gallons per day (gpd) of treated effluent is being discharged to the drip fields with the balance discharged to the stream. Hydraterra expects to receive a final pay application from Eastern Environmental Contractors next month to close out the Effluent Pumping and SBR #3 Upgrade project. The cost incurred by EEMA to install the control panel

was shared with the contractor, and they have asked the Authority to consider splitting the cost. Mr. Boldaz indicated that Hydraterra and others had performed additional work to troubleshoot and resolve issues without seeking any additional compensation, and he offered to relay this to the contractor as the reasoning for not sharing the cost. The members voiced their agreement. The final pay application will be presented at the next meeting for approval.

Mr. Boldaz indicated there has been no further contact from Pulte Homes regarding dedication of Phase V-B. The collection system was televised, and a review letter was issued by Hydraterra in January citing a blockage and construction debris observed in two laterals. Corrective action was performed by Brubacher Excavating last month. No evidence of inflow and infiltration was observed. Hydraterra is waiting for notification from Pulte to conduct the final walkthrough.

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

Mr. Boldaz reported that testing of the treatment plant equipment is currently underway by circulating clean water from the influent equalization tank, through the reactor tank and into the storage tanks, back through the fine screen from the effluent tank, through the flow meter and back into the equalization tank. Aqua Aerobic and American Manufacturing have been on-site to observe and make adjustments to the equipment and control panel, as needed. No discharge is occurring at this time. The testing will continue for two weeks to make sure all the equipment is operating properly. Upon successful completion of the plant equipment testing, clean water will be pumped to the drip disposal beds to make sure the American control panel is working properly.

Mr. Boldaz noted that D.L. Howell has been authorized to move forward with an as-built survey of the treatment plant site, which will enable Pennoni to prepare a plan for expansion of the driveway access to the rear of the plant. Due to the current situation with the coronavirus COVID-19 pandemic, it is unknown when the survey work will proceed.

Hydraterra contacted Kelly Sweeney at DEP regarding a request for waiver of the requirement for a fifth frac tank to be installed prior to issuance of a certificate of occupancy for the 108th dwelling unit. Calculations confirming that the existing four frac tanks can accept the additional flow while continuing to provide the required 3-day storage capacity were provided to support the waiver request. However, Ms. Sweeney responded that, consistent with the Department's approval letter, DEP cannot authorize the additional connection without adding the fifth frac tank.

Mr. Boldaz is in the process of preparing an estimated budget for operation and maintenance of the treatment plant to determine the estimated user fee. The budget will be based on actual electric usage, sludge hauling, and other costs at the Applecross and Keats Glen facilities. He will consult with Mr. Piersol and Mr. VanLew for input on insurance and ground maintenance costs. The user fee calculation will include a capital reserve component and represent three different flow limits i.e., at startup, at buildout at approximately 31,000 gpd, and at the permitted flow at approximately 55,000 gpd. The proposal from EEMA for contract operations was received and considered in the budget, and will be on the agenda for approval at the next meeting.

Construction activity is ongoing at the treatment plant with Pikeland Construction on-site to coordinate with Aqua Aerobics and other contractors. Mr. Boldaz asked John Dean of EEMA to stop at the site periodically to get familiar with the facility and take note of any problems. Bob Preston of Hydraterra is also on-site regularly to help with coordination of contractors.

Fred Ebert of Ebert Construction joined the discussion at this time and noted that most of the construction work has been completed. American Manufacturing has been on-site twice to address issues with some solenoid valves. The Aqua Aerobic SBR has been working well with a few minor issues. There are some issues with communication and opening and closing of valves to be addressed on the drip fields. Mr. Ebert also confirmed that the as-built survey was authorized and expedited but work was shutdown within days per the Governor's Order. The survey will be scheduled as soon as the work is able to resume and will include the entire property and the two pump stations. Surveys of the drip fields are nearly complete. Mr. Boldaz asked that D.L. Howell add the coordinates for each of the valve boxes so they can be geolocated in the field. Mr. Piersol stated that, based on his understanding of the guidance received from the Commonwealth pertaining to activities that are considered life-sustaining, the municipality can authorize the survey as essential for getting the wastewater treatment plant in operation. Mr. Ebert will relay this information to the surveyor.

Mr. Boldaz stated that Hydraterra still has not received a construction schedule and emphasized the importance for the Township and Municipal Authority to have a construction schedule that is coordinated with the number of homes being sold before any consideration can be made on the fifth frac tank. He further noted that there have been no formal pump drawdowns, no walkthrough with the Municipal Authority, and no training. Mr. Ebert said the training is provided by the manufacturer's representatives on the individual pieces of equipment and not on the system as a whole. He said he could finalize the procedures for what the plant startup will entail and get an up-to-date construction schedule from now through completion. Mr. Ebert asked if the plant could be seeded to move forward with plant startup, when ready, without operator training or deferring training to a later date, so the pump and haul operation can be terminated. Mr. Boldaz indicated that training is required in the specification, but he will consult with EEMA about their comfort level from their experience at Applecross. He reiterated the need for a detailed construction schedule for startup, including the procedures that were discussed at the site meeting on 2/13/20 and a schedule of occupancy for lots currently under contract and anticipated contracts/closings from D.R. Horton before there can be any positive steps forward. Mr. Ebert will reach out to Pikeland Construction and to D.R. Horton on the settlement schedule and provide that information by early next week.

Mr. Ebert inquired whether DEP responded to the request for a waiver of the fifth frac tank as he missed that discussion earlier in the meeting. Mr. Boldaz advised that DEP would not support the connection of the 108th unit without the fifth frac tank. Mr. Ebert then inquired about the current number of occupied dwellings. Mr. Piersol indicated that there are 107 units to date with the 108th unit scheduled for closing today and at least one more scheduled for April. Mr. Piersol stated that foundations are in place for additional houses, but the builder cannot proceed per the Township's interpretation of the Governor's Orders. The Township made a commitment to issue the certificate of occupancy for the 108th unit on Lot 52, which passed the final inspection yesterday. The number

of units is a violation of the DEP Pump and Haul permit at this point in time. Mr. Ebert will contact his client and is hopeful to get the fifth frac tank on-site next week. He anticipates the official startup to occur within three to five weeks and indicated the frac tanks will remain on-site for two to three weeks for backup in case any issues arise.

Mr. Oeste reminded Mr. Ebert that the agreement with the developer was structured to require dedication to be completed before the plant is started and the Municipal Authority takes over operations. The documents required for dedication were provided to Gia Raffaelli, counsel for the developer, but completed documents have not been returned. Mr. Ebert asked whether an agreement is needed to specify responsibility for payment of the contract operator. Mr. Oeste said the developer will be responsible for payment of the operator until the Authority accepts dedication. Mr. Corbin pointed out that there will be a time period between dedication and final buildout when the flows will be gradually increasing and the costs per gallon will be relatively high and then decrease as the development reaches full buildout. Mr. Boldaz will provide the user fee calculation for discussion at the next meeting.

Weaver Tract

Mr. Ebert said he is revising the Sewage Facilities Planning Module to address comments from Hydraterra and John Venezia at DEP. The revised planning module will be sent to the Chester County Planning Commission and Health Department and the Township Planning Commission for additional review and comment. He is awaiting further direction from the Pennsylvania Municipal Authorities Association and DEP on the public notice requirement and may ask for the entire planning module to be posted on the Township's website rather than having it available for public inspection at the Township office in the event the Governor's "Stay at Home" Order is extended.

Mapleview

Mr. Boldaz reported that MGK Industries has been on-site to finish work on the raw pump station. The wet well and valve box have already been set and are complete. Work remaining to be completed includes some electrical components and installation of the pumps and variable frequency drives. Mr. Boldaz asked Mr. Ebert if there has been any discussion with the developer about the drip disposal system and asked when Hydraterra could expect to receive a final plan for review. Mr. Ebert said he has not had that conversation with Don Sample because he was still hoping for a combined system with the Weaver Tract. He also mentioned that NVR is reviewing cost estimates from various potential developers since John Lynch is no longer interested in pursuing the Weaver project. Mr. Ebert will contact Mr. Sample and ask him about finalizing the design, which is approximately seventy-percent complete, except for the electrical. Mr. Boldaz cautioned that construction of the drip disposal fields must occur by a given flow rate, number of connections, or by January 2024 in accordance with the parameters in the DEP permit. Mr. Piersol indicated that four housing units are currently under roof and weathertight, but there has been no activity over the last five days.

Old Business

Regarding the discussion at the last meeting on the draft “*Private Lateral Inflow and Infiltration Elimination Program*” document, Mr. Corbin recalled the consensus was that the primary triggers to prompt inspections for a broken vent pipe or cleanout, missing mushroom cap, and illegal sump pump connections would be at the time of property transfer and observation of a problem. Other triggers, such as at the time of refinance, were also considered but not concluded. Mr. Boldaz requested additional comment and direction from the Board to finalize the document. Mr. Oeste will determine whether a cooperative agreement with the Board of Supervisors is needed to utilize Township personnel to do the inspections and will prepare a draft resolution to adopt the lateral policy.

Mr. Boldaz revised the draft Request For Proposals (RFP) for sampling and analyzing groundwater monitoring wells to provide additional detail and to incorporate comments offered by Mr. Corbin at the last meeting. The revised RFP will be forwarded to Mr. Oeste for final review and action at the next meeting.

Statement of Financial Interests Forms are due 5/01/20.

Act 537 Planning Grant

A draft of the Act 537 Plan Update, including Sections 1 through 4 and associated maps, was distributed electronically for review in advance of the meeting, and hard copies were delivered to the Township building yesterday for members to pick up. The DEP guidance document that explains the content to be included in developing an Act 537 Plan will be distributed via email. Mr. Boldaz requested comments be provided to himself and Joe Borgioni at Hydraterra. A revised draft will be prepared once all comments are received.

New Business

Mr. Piersol shared that a letter will be sent later today to the Governor’s office, the Department of Community and Economic Development, and Labor & Industry to express concerns related to exemptions granted for construction projects and the potential health risks to staff, building code officials, and the community at large amid the spread of the coronavirus COVID-19. Specifically, an exemption granted to D.R. Horton has been interpreted by the homebuilder to give carte blanche for ongoing construction at the Dowlin Forge project, while the Township considers this activity to violate the guidance provided to municipalities for activities considered life sustaining, as well as the Governor’s “Stay at Home” directive. Mr. Piersol stated that the Township has cooperated with the builder by allowing final inspections of three homes that are scheduled for settlement in the near future but will not agree to allow them to start new homes or agree to the use of a third-party inspection agency. The letter seeks support in allowing municipalities to take the actions they feel are most prudent and justified to protect their residents and businesses during a critical and unprecedented time.

Public Comment

None.

Adjournment

Mr. Summers moved to adjourn the meeting at 9:35 AM. Mr. McClung seconded the motion, which was unanimously approved. The next meeting is Tuesday, April 14, 2020.

Respectfully submitted,



Jan Bednarchik
Secretary