EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
APRIL 12, 2016

Those in Attendance:

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

Absent:

Michael Corbin, Chairman

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, April 12, 2016, was called to order at 7:32 AM in the East Brandywine Township Municipal Building by the Chairman. Dave Friedman of EEMA was the only visitor.

Minutes

Mr. Whelihan noticed an inconsistency between the proposed bulk sewer rate of $7.49 per 1,000 gallons as stated on page three, paragraph four, of the March minutes, and the rate quoted in the draft Bulk Service Agreement at $7.74 per 1,000 gallons. The rate will be verified before the draft Agreement is sent to Aqua for review.

Mr. Summers moved to approve the minutes of March 8, 2016, as written. Mr. Whelihan seconded the motion, and the motion was unanimously approved.

Treasurer's Report

Mrs. Bednarchik read the Treasurer's Report and provided a list of twenty-two invoices for the month of April totaling $60,844.65 for payment. Mr. Whelihan moved to approve the bills for payment as presented. Mr. Summers seconded the motion, and the motion was unanimously approved.

Eight municipal claims were filed for unpaid user fees in 2015. Eleven customers remain delinquent for the first quarter of 2016. Municipal claims will be filed later this month.

Applecross

Dave Friedman of EEMA reported on the treatment plant operations for the month of March. The plant continues to operate well, and there were no permit violations to report.

SBR 1 and 2 continue to be treated for filamentous algae. The odor control system continues to restart when power transfer occurs with generator operation. The transducer at Pump Station A has been problematic, and quotes are being obtained for a replacement. MGK Associates will be called to troubleshoot an issue with the mixer in the Sludge Holding Tank. EEMA is concerned that debris may be wrapped around the mixer. Aqua Aerobics will also be called to diagnose an issue with the weir for the decanter in SBR 2. Alarms have occurred periodically over the past couple of months for the weir failing to close. Mr. Friedman thinks the weir is just closing very slowly and suspects there may be an issue with the alarm circuitry. This situation is not affecting treatment.

Mr. Friedman contacted Tom Bonjo at MGK Associates via email to obtain additional information about the invoices received for removing and transporting the influent mixer to Flygt for inspection at $1,650, and the service call to remove the damaged transducer in the Sludge Holding Tank and install a new transducer at $3,425. Mr. Bonjo indicated that MGK's standard rate for a crew and utility truck is $1,750/day. He offered to reduce the invoice amount to $1,000. Mr. Friedman said it took the crew about half a day to remove the mixer before transporting it to Flygt in Exton for inspection. Mr. Bonjo did not address the issue raised about MGK installing the transducer incorrectly, which caused interference with the mixer and damaged the brand new transducer, but he offered to split the cost of that invoice with the Authority. Mr. Boldaz will contact Mr. Bonjo to discuss the details about the installation of the transducer. Action on the MGK invoices was deferred to the next meeting.

Mr. Oeste reported that the draft Second Amendment to the Agreement for Construction and Operation of Community Sewage Facilities was sent to Joe Riper, Esq., about a week ago. He also mentioned that Bill Creeger was in attendance at the last Planning Commission meeting and acknowledged receiving the draft Second Amendment, but indicated that he hadn't had a chance to review it yet. Mr. Boldaz finalized the punch list of items remaining to be completed before dedication as an exhibit to the Second Amendment. Mr. Boldaz mentioned that the dedication process is moving forward. According to Bill Creeger, MGK is currently working on the punch list for the treatment plant and pump stations, Wilkinson Associates is preparing easements and as-built drawings, and Brubacher is preparing to address some of the physical deficiencies in the collection system.

The Preventative Maintenance Agreement with Brandywine Valley HVAC was renewed at $330 for two service calls on the Lennox Split System Air Conditioner with Gas Furnace at the treatment plant.

Mr. Piersol reported that he spoke with Jan Bowers, Executive Director of the Chester County Water Resources Authority (CCWRA) last month to follow up on the issue of pollution liability limits required for the Treatment Plant. Ms. Bowers indicated that this issue will be discussed

with the CCWRA Board members to determine exactly what they want from the Authority. She also indicated that neither Pulte nor the Country Club have provided pollution liability. The water monitoring by USGS was also discussed, and Ms. Bowers will provide the Township with that data.

Applecross Phase V-B

Mr. Boldaz recalled that the Sewage Facilities Planning Module submitted by Pulte/Wilkinson last year was determined to be incomplete because the review letters from the Chester County Health Department, Chester County Planning Commission, and the East Brandywine Township Planning Commission had not been received. All of those planning agency reviews have now been received. The planning module was also found to be incomplete for a Chapter 94 consistency determination, which requires the Authority to certify that capacity is available for the proposed development to connect. Upon review, Mr. Boldaz determined the Wastewater Treatment Plant and disposal fields are nearing capacity because of the drip control panel issue. Therefore, an overload is forecasted with the connection of the Applecross Phase V-B until the drip control panel is repaired and a paper rerate is approved by PADEP. Bill Creeger is aware of this issue and understands that once dedication moves forward, the Authority can then authorize repair of the drip panel and submit the documents to PADEP to get a rerate for the treatment and disposal capacity. Mr. Boldaz shared the determination with John Veneziale at PADEP, and he is in agreement with the concept.

Brandywine Village Shopping Center

The Grease Facilities Maintenance and the Sewer Collection System Easement Agreements were executed by Richard Blair on behalf of Brandywine Village Associates, and have been signed by the Authority Chairman. The Easement Agreement will not be recorded until the Authority takes dedication of the 20 ft. wide sanitary sewer easement as described in Exhibit A. The Authority Engineer will inspect the food service establishments for compliance with the provisions in the Grease Facilities Maintenance Agreement.

The Authority Engineer issued a letter on 3/16/16 with review comments on the materials specified on the shop drawings submitted for the sanitary sewer connection. A follow-up letter was issued on 3/21/16 indicating that revised shop drawings were reviewed and found to be acceptable. By letter of 3/30/16, the Sanitary Sewer Extension Plan and Easement Description were found to be acceptable and were stamped "Issued for Construction" and returned to the developer.

Brandywine Village Associates planned to start construction this week; however, the Highway Occupancy Permit (HOP) needed to cross North Guthriesville Road has not been issued by PennDOT yet and no construction escrow has been posted. Also, no plans for abandonment of the existing treatment plant have been submitted.

Mr. Boldaz mentioned that the monthly Discharge Monitoring Report provided by the Operator indicated there was a significant exceedance for fecal coliform. The Operator also noted that the reduced flow through the treatment plant has created a grease problem at the treatment plant. Mr. Boldaz indicated there may be an increase in grease at Pump Station B once the Shopping Center is connected, but the Authority now has an Agreement to enforce maintenance of the grease traps and grease interceptors. Also, the Authority will have an easement over a manhole where an inspection and sampling can be performed to determine which area of the Shopping Center may be contributing grease to the system. Mr. VanLew recommended inspecting and documenting the condition of the manhole at Brookhaven Lane before the connection is made.

Mr. Piersol mentioned that the Township requires an escrow as part of the HOP in the event that the work within the Township road right-of-way is not completed or needs repaired. Paul Prince, Esq., has offered a cash escrow of $1,000, but Mr. VanLew calculated the actual cost of restoration at $7,000. Township Solicitor Stacey Fuller has been trying to resolve this issue while holding steadfast to the $7,000 escrow amount, but Mr. Prince said he will get an Order from the Judge. Mr. Oeste questioned whether the HOP requires the posting of financial security with PennDOT. Mr. Piersol said there was no financial security listed on the permit, but he will contact PennDOT to see how that is handled. The Authority Engineer will monitor the construction to make sure it is installed in accordance with the Authority's requirements.

Hide-A-Way Farms

Mr. Boldaz reported that Southdown Homes is moving forward with the dedication process, which will include a portion of the sewage facilities and the drip disposal field. A meeting will be scheduled with Tim Townes to ascertain his timeline for dedication. Mr. Piersol reported that he and Matt VanLew met with Tim Townes and his contractor last week to discuss dedication of the roads and infrastructure. Southdown plans to proceed with road repairs and top coating and work on storm drains this summer. The draft Bulk Service Agreement for the treatment and disposal of wastewater from Hide-A-Way Farms will be submitted to Aqua PA for review in anticipation of dedication occurring in summer/fall of 2016 or spring 2017, depending on how quickly the process moves forward. The Agreement will not become effective until dedication takes place.

Tim Townes submitted Escrow Release Request No. 4 for Phase 3 Sanitary Sewer Improvements at the Hide-A-Way Farms Subdivision. The release includes the installation of pipes and manholes along Maria Court, Patriot Lane, and associated laterals as well as the sewer main constructed in the off-road areas to the rest of the development. Hydraterra reviewed the escrow release request and determined that it accurately reflects the work completed to date in Phase 3 of the development. A letter was issued on 3/23/16 recommending approval of the financial security release in the sum of $63,531.75. The amount remaining for Phase 3 Sanitary Sewer in the escrow account after the release will be $48,572.56. Mr. Summers moved to approve Escrow Release No. 4 in the amount of $63,531.75 per the recommendation of the Municipal Authority Engineer. Mr. Whelihan seconded the motion, and it was unanimously approved.

Old Business

Mr. Boldaz reported that the additional soils testing on the Watters tract has been scheduled for next week. Hydraterra will witness the testing and keep the Authority informed. Mr. Piersol added that the applicant told the Planning Commission in November that a preliminary plan is expected to be ready for submission by April or May of this year.

Mrs. Moser inquired about the status of the Learning Experience project. Mr. Piersol reported that the applicant has not been back before the Planning Commission, but is supposed to attend the Historical Commission meeting on Wednesday evening. The Authority continues to await a request for sewage capacity for this project.

Members were reminded to complete and file the annual Statement of Financial Interests Forms with the Authority Secretary by May 1st.

New Business

Mr. Oeste reported that he and Mr. Boldaz are working on a comprehensive resolution to codify all of the Authority rules and regulations into a single resolution, excluding those resolutions pertaining to fees that change periodically. He is hopeful to have the final document ready to present at the next meeting.

Mr. Piersol discussed the importance for members to use their Township-provided email addresses for all Authority business due to the possibility of personal email accounts being subject to review by the Township/Authority Solicitor in order to respond to a Right To Know (RTK) requests. He cited a recent RTK response which amounted to over 11,000 pages of emails and other documents. Mr. Oeste supported the use of the Township-provided email accounts to facilitate an RTK response and to avoid disclosure of personal email.

Public Comment

There was no public comment.

Adjournment

Mr. Summers moved to adjourn the meeting at 8:38 AM and enter into Executive Session to discuss personnel matters. Mr. Whelihan seconded the motion, and it was unanimously approved. The next meeting is Tuesday, May 10, 2016.

Respectfully submitted,

Jan Bednarchik

Jan C. Bednarchik
Secretary