

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
JUNE 14, 2016

Those in Attendance:

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

Also in Attendance:

Scott Piersol, 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, June 14, 2016, was called to order at 7:30 AM in the East Brandywine Township Municipal Building by the Chairman. There were three visitors in attendance.

Minutes

Mrs. Moser moved to approve the minutes of May 10, 2016, as written. Mr. Summers seconded the motion, and the motion was unanimously approved.

Treasurer's Report

Mrs. Bednarchik read the Treasurer's Report and provided a list of 21 invoices for the month of June totaling \$59,402.93 for payment. Mrs. Moser moved to approve the bills for payment as presented. Mr. Whelihan seconded the motion, and the motion was unanimously approved.

Three customers remain delinquent for the first quarter of 2016. Delinquent notices for the second quarter of 2016 were sent to eighteen customers. Municipal claims will be filed if payment is not received by July 5, 2016.

A quote was obtained from Reino's Printing for stickers of the "Cease the Grease" logo from the FOG brochure as a reminder to customers about the proper disposal of grease. The Authority approved the quote of \$239.87 for 2,000 stickers to affix to the quarterly invoices.

Applecross

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

The chlorine treatment has been restarted due to a return of filamentous algae in the SBRs. Other maintenance issues include an ongoing issue with the transducer in Pump Station A giving false alarms. MGK checked the transducer in the Sludge Holding Tank, and it is working fine. EEMA is awaiting a quote from Aqua Aerobics for new limit switches for the decanters. Aqua recommends the limit switches be replaced every five years. McGovern has been utilized to remove solids from the disk filter basin which have increased due to warmer temperatures. The blower in SBR #2 is being monitored for periodic failure alarms, which is suspected to be due to a bad sensor. The vendor will be contacted for a diagnosis. The filter feed pump in the decant tank failed, but has been repaired and reinstalled by MGK.

Mr. Boldaz will follow up with Craig Kachmar at MGK regarding the invoice for the transducer that was damaged due to improper installation.

Mr. Oeste reported on his ongoing discussions with Joe Riper, Esq., regarding the draft Second Amendment to the Agreement for Construction and Operation of Community Sewage Facilities. Mr. Riper provided some additional comments yesterday afternoon via email, which Mr. Oeste has not had an opportunity to review yet. Items of concern include the sections regarding the current reimbursement amount and easements over the golf course.

Mr. Riper and Bill Creeger of Pulte Homes attended the meeting to clarify the proposed changes to the draft Second Amendment as follows:

Section 3. Dedication of Treatment Plant and Other Sewage Facilities. Mr. Riper explained that he modified the way the easements are listed and mentioned that Pulte does not have any authority to convey the easements on the golf course property because they do not own the property. Mr. Riper indicated that a meeting will be held with the Authority Engineer at some point to go over each of the easements on the property. Section 3 was further amended to state that the Authority would accept dedication formally at the next regularly scheduled meeting after Pulte completes its obligations for dedication.

Section 6. Reconciliation of Operating Costs/Capital Reserve Contributions. The proposed revision is to make the reconciliation agreements conditioned upon acceptance of dedication.

Section 11. Dedication Documentation. Mr. Riper explained that the number of easements to be conveyed to the Authority is so significant that he was concerned that it might create a situation whereby transfer taxes have to be paid on the value of those easements. He contacted the Assessment Office and Recorder of Deeds of Chester County and the Department of Revenue for guidance. It was suggested that the fee simple deed and the easements be combined into one document and to attach an affidavit of value to clarify that there is no remuneration between Pulte and the Authority. Further, the Authority Engineer shall have fourteen days from the date of the Agreement to review the as-built plans and to notify Pulte in writing of any revisions or corrections to be made to the as-built plans.

Mr. Riper stated that the purpose for including the Reimbursement Amount in Section 10 was not to change the reimbursement format in the First Amendment, but to acknowledge the interest accrual from the delay in dedication as well as the reimbursement from the sale of capacity to Brandywine Village Associates. Mr. Corbin added that Mr. Riper may also want to know the payment amount for the Reservation of Treatment Capacity for Phase V-B in Section 8, per the tapping fee currently in effect, and include that as a credit against the reimbursement amount in Section 10. Mr. Riper will apply the tapping fee in its entirety now as a credit against the reimbursement amount rather than incrementally as the capacity is purchased.

Mr. Corbin indicated that the Authority will meet in executive session immediately after the meeting to discuss the proposed changes to the Second Amendment to try to move toward dedication as quickly as possible.

Mr. Riper also questioned the reasoning for inserting Article X from the Construction Agreement having to do with golf course management as part of the Limited Mutual Release. Mr. Oeste indicated that he did not want to imply that the Authority was releasing the golf course from its obligations, but he will take another look at that document. Mr. Piersol will forward the dedication documents to the Board of Supervisors for their review. The Second Amendment and Mutual Release will be modified to recognize the Board of Supervisors as a party, but the Bill of Sale will be just to the Municipal Authority.

Mr. Creeger inquired whether it will be necessary to come back for approval on the Agreement. Mr. Oeste responded that it would be necessary for Pulte to come back for approval because there are too many unresolved issues, primarily regarding easements on the golf course, for him to recommend approval subject to the revisions. Mr. Creeger said he is unsure what area needs to be in an easement because other than a mention of the discharge point at the treatment plant to the first lagoon and manhole, there is nothing on plan to identify areas of responsibility and oversight. Mr. Oeste concurred that the original subdivision and land development plan approved by the Township has notes mentioning blanket easements, but he is not comfortable relying solely on a note on a subdivision plan. Mr. Creeger spoke of Applecross being a critical community to Pulte's overall business plan and requested the Authority's cooperation in expediting the dedication documents in order to move forward with the planning module for Phase 5B.

Applecross Phase 5-B

Mr. Boldaz reported that he reviewed plans submitted by Dan McKenna of Wilkinson Associates and issued a lengthy review letter on 5/26/16. Upon receipt, Mr. McKenna indicated that the review was based on an older set of plans and that most of the review comments had already been addressed. Bill Creeger is releasing a new set of plans tomorrow. The one major issue is the Sewage Facilities Planning Module. The Planning Module is considered administratively incomplete because Component 3.J requires the certification of permitted capacity by the Authority. Currently, the existing treatment and disposal facilities do not have the permitted capacity available for the complete development of this phase. Additional capacity will be available once the drip disposal system is operational and documents securing additional

permitted capacity with PADEP are approved. However, because the Authority has not taken dedication and ownership of the treatment plant, it is unable to determine certain project milestone dates until the Second Amendment to Agreement for Construction and Operation of Community Sewage Facilities and all exhibits thereto have been finalized and signed by all parties.

Mr. Creeger stated that he already has reservation of treatment and disposal capacity allocated for 30 out of the 91 units in Phase 5B. By withholding submission of the planning module to PADEP, which has a lengthy review process, he cited further repercussions because it hinders Pulte from working concurrently on the final land development plan approval process and being able to get roads paved and foundations started by the end of the year. He pleaded with the Board to submit the planning module to PADEP. Mr. Riper added that, if the Authority would agree to release the planning module to PADEP now, Pulte wouldn't move forward with the land development plan until the Second Amendment is executed. Mr. Corbin advised this matter would be discussed in the executive session.

Brandywine Village Shopping Center

Mr. Boldaz provided an update on the progress of the public sewer connection. The pipe has been extended across North Guthriesville Road to the manhole on Brookhaven Lane. As of 5/25/16, all users were connected to the public sewer system except the grocery store and Rite Aid. Paul Prince contacted Mr. Boldaz with concerns about the connection for the grocery store and Rite Aid because of the Court Order to have the entire Shopping Center connected by a certain date. The contractor was unable to find the laterals and has not been back on site. The Shopping Center will now be added to the utility billing, and will be billed on a monthly basis.

Mr. Boldaz contacted PADEP to inquire about the abandonment of the existing treatment plant. PADEP has no regulations to force the abandonment, so they are looking at other ways to try to force the closure. Mr. Boldaz reiterated to PADEP that the Township/Authority is not a permittee or co-permittee and, therefore, has no responsibility regarding abandonment of the plant or for any violations that may occur at the site. Mr. Corbin suggested that these points be memorialized in a letter to PADEP.

East Brandywine Center

There was nothing new to report on this agenda item since the last meeting.

Hide-A-Way Farms

At Tim Townes' request, a comprehensive dedication punchlist was issued in order for him to coordinate street paving. Southdown Homes is moving forward with dedication, and Mr. Boldaz awaits the submission of as-built plans.

The draft Bulk Service Agreement was sent to Alan Roth at Aqua Pennsylvania about two months ago. Alan Roth previously advised that he is no longer in charge of the wastewater

utility operations at Aqua. Despite repeated phone calls and an email to Mr. Roth, Mr. Boldaz has been unable to obtain the name of the new contact person. Tim Townes will be asked to assist in this effort.

Old Business

Soils testing was performed on the Watters tract on 5/19/16, and Mr. Boldaz awaits the test results.

Mr. Piersol provided Kristin Camp, Esq., of Buckley Brion with information on the sewer fees applicable to The Learning Experience project on Hopewell Road. The Authority continues to await a formal request for sewage treatment and disposal capacity for this project.

As discussed at the May meeting, Mr. Boldaz circulated a draft copy of the Specifications and Details that have been revised as part of the comprehensive resolution to codify all of the Authority rules and regulations into a single resolution to be known as "The Authority Standard Rules and Regulations 2016."

The Auditor is awaiting one final document in order to finish the Annual Audit Report. The final report will be submitted to the Department of Community and Economic Development prior to the due date of June 30.

New Business

Mr. Piersol reported on a meeting held last week with Mike Tulio and Paul Bower of the Metropolitan Group to discuss their proposed purchase of the Hillendale project, which they propose to rename as Regency at Downingtown, from Southdown Homes. Metropolitan Group has already begun boring for rock and will begin the initial site work before the plans are recorded at the County Recorder of Deeds Office, which is allowed by the Municipalities Planning Code. The primary discussion dealt with construction of the spine road connecting Creek Road and Township Road, which is required to be completed in its entirety as a condition of final plan approval. Alternately, Metropolitan has proposed to come in from Creek Road and also from Township Road to obtain access to the two townhouse areas and begin construction of the infrastructure in Phase 1. The connection between those two sections would be completed in Phase 2 with all of this work to be completed by 6/01/17. Use and Occupancy Permits for the model homes will not be issued until after that date. Mr. Tulio and Mr. Bower also discussed the possibility of sewage treatment and disposal at the DARA facilities. Mr. Piersol and Supervisor Jay Fischer both made inquiries on their behalf to DARA and were told that capacity to non-DARA members was unlikely. It is expected that Metropolitan will be scheduling a pre-construction meeting with Buckeye Pipeline, the Conservation District, the Township Engineer and Municipal Authority Engineer within the next 20-30 days, and settlement with Southdown Homes is anticipated within 60-90 days. Mr. Tulio and Mr. Bower have been provided with a professional services agreement to reimburse the Township/Authority for its consultant fees, and will also be provided with a sewage facilities construction agreement and dedication agreement. Mr. Boldaz confirmed that the plans for the sewage treatment facility are complete except for the

final code review. He also noted that Southdown approved the Authority's recommendation for the addition of glass block to the front of the building for aesthetics and to allow natural light inside the building.

Public Comment

There was no public comment.

Adjournment

Mrs. Moser moved to adjourn the meeting at 8:42 AM and enter in Executive Session to discuss legal matters. Mr. Summers seconded the motion, and it was unanimously approved. The next meeting is Tuesday, July 12, 2016.

Respectfully submitted,



Jan C. Bednarchik
Secretary