

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**  
**JULY 12, 2016**

**Those in Attendance:**

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

**Absent:**

David Summers, Treasurer  
Don Graewe, Member

**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, July 12, 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**

Approval of the meeting minutes of June 14, 2016, was deferred to the next meeting.

**Treasurer's Report**

Mrs. Bednarchik read the Treasurer's Report and provided a list of 20 invoices for the month of July totaling \$54,971.61 for payment. Mrs. Moser moved to approve the bills for payment as presented. Mr. Whelihan seconded the motion, and the motion was unanimously approved.

Nine customers remain delinquent for the second quarter of 2016. Municipal claims for the first and second quarters of 2016 will be filed at the end of month on those accounts that remain unpaid.

**Applecross**

Dave Friedman of EEMA reported on the treatment plant operations for the month of June. The plant continues to operate well. There were two exceedances of permitted limits for Total Suspended Solids due to the filamentous issue. Chlorination has resumed and the problem is under control.

The transducer in Pump Station A continues to give false alarms. Flygt has eliminated the pump run indicator contactor as a possible cause, and is now focusing on the float. A noticeable increase in grease has accumulated at Pump Station A over the past two months. MGK was contacted to pull Pump #1 of the Influent Pump Station, which was found to be clogged with rags. Personal "disposable" wipes appear to be the main cause. Mr. Freidman recommended that the customers be made aware of the problem and discouraged from using this product. Increasing the frequency of cleanings at the pump stations may become necessary. Also, the transducer in the Sludge Holding Tank has been giving incorrect readings. Upon consultation with Sigma, it has been determined to be a warranty issue with the transducer itself. Aqua Aerobics provided a quote that did not reflect the work that needs to be done to replace the limit switch for SBR #2. The service department will provide a more accurate estimate. A quote was received from McGovern Environmental to remove solids from the decant tank. The blower in SBR #2 is being monitored for periodic failure alarms, which is suspected to be due to a bad sensor. The vendor was unable to help troubleshoot the problem because it appears to have corrected itself. Flows are averaging 100,000 gallons per day.

Mr. Corbin reported on the progress that has been made on the Second Amendment Agreement since the last meeting. The Authority understands the situation with obtaining easements on the golf course property, and there have been discussions with the Golf Course Operator. The language in the First Amendment pertaining to the reimbursement amount has also been discussed. These issues were addressed in a revised Second Amendment prepared by Mr. Oeste, and additional revisions were provided by Joe Riper, Esq., late yesterday afternoon. Mr. Riper stated that he accepted all of the revisions offered by the Authority Solicitor and reviewed his additional revisions as follows:

Page 1. Language was added to paragraph two of the Background to point out that the disposal of treated effluent on the Golf Course property has been ongoing since February 1, 2012.

Page 2. Language was added to Section #3 (Dedication of Treatment Plant and Other Sewage Facilities) to clarify that the easements or agreements pertaining to the Golf Course must be independently obtained by the Authority from the Golf Course Operator. Also, the easements offered for dedication to the Authority were revised based on the legal description prepared by Dan McKenna of Wilkinson Associates. Mr. Riper indicated that Mr. McKenna will comply with the review comments on the as-built drawings in the Authority Engineer's letter of 6/30/16, and will provide an exhibit showing all of the easements. Mr. Riper also noted that, since Pulte is required to pay transfer taxes based on the reimbursement obligation, he created one easement agreement with separate metes and bounds for each individual easement.

Page 5. Section #8 was revised to change the incorrect reference to Pulte Phase V.B to Phase IV. Also, the total payment amount of \$411,574.88 (\$44.62 per gallon multiplied by 9,224 gallons) for the Additional Treatment Capacity needed for Phase IV was added. Section #10 referring to Golf Course Easements was deleted in its entirety.

Page 6. The Reimbursement Amount of \$4,597,578.00 was inserted in Section #10, and the ten year reimbursement period was calculated as of the date the Authority began operating the plant in 2012, with the unpaid and outstanding balance of the Reimbursement Amount due and payable in full on or before December 31, 2021. Mr. Corbin indicated that the Authority will need to discuss the ramifications of this change due to the acceleration of the reimbursement, versus calculating the ten year reimbursement from the actual date of dedication. Bill Creeger felt it was to the Authority's benefit to start the clock as of 2012 due to the interest escalation. Mr. Riper added that the Authority ought to consider refinancing the debt. The individual sewer easements were listed as separate exhibits in Section #11, but Mr. Riper is reconsidering listing them as a single document. A new Section #12 was added stating that: "Pulte and the Authority agree, in lieu of obtaining an appraisal in accordance with Section VIII(F) of the Construction Agreement, that the "Dedication Value" (as that term is defined in Section VIII(F) of the Construction Agreement) shall, for all purposes related to a third party sale of the Treatment Plant by the Authority, be \$9,596,230.00 being the sum of the Project Costs of \$9,183,114.00 and the PSB Reimbursement Amount of \$413,116.00, as set forth in the First Amendment." For consistency, it was noted that the ten year period related to a third party sale would also commence from January 1, 2012.

Page 7. The signatory for Pulte Homes will be changed from Adam Schueftan to James P. Mullen.

Mr. Corbin advised that the Authority will meet in Executive Session at the conclusion of this meeting to attempt to resolve the remaining issues. Mr. Oeste noted that the Board of Supervisors meets next Wednesday, at which time Pulte will be seeking the Board's approval of the Sewage Facilities Planning Module and final plan for Phase IV. Therefore, the Authority will endeavor to conclude its review prior to that date. Mr. Piersol will provide a copy of the Second Amendment to the Board of Supervisors for review. Mr. Riper mentioned that John Venezia of PADEP has agreed to receive the planning module and put it in his review queue to get the review completed within one month versus three months.

The issue of the MGK invoice for the transducer was discussed at length. Mr. Friedman explained that, when the original transducer in the Sludge Holding Tank failed, MGK installed the replacement transducer too low, and it was damaged by the mixer. He noted that, although the mixer is not visible, it is positioned at a fixed elevation, and the damage would not have occurred if the transducer had been installed at the same depth as the one that was removed. Further, it would be a massive proposition to try to draw the tank down in order to make the mixer visible. The transducer is secured by a cord which is clamped on the side of the tank, and the elevation can be marked. Mr. Friedman acknowledged that MGK spent considerable time to replace the damaged transducer, and that he felt their offer to reduce the invoice was reasonable. Mrs. Moser moved to pay the invoice from MGK Associates for the purchase and installation of the transducer at the reduced rate of \$1,200 as offered by Craig Kachmar at MGK. Mr. Corbin seconded the motion, and it was unanimously approved.

Mr. Oeste confirmed that the easements on the Golf Course property are included on the recorded subdivisions plans and are also listed in the property deed. He and Mr. Boldaz will work with the Golf Course Operator to obtain an acknowledgement or memo of understanding regarding the mutual rights and responsibilities for the storage and disposal of treated wastewater on the golf course.

Mr. Boldaz reviewed the as-built drawings for the Dedication Facilities and issued a review letter dated 6/30/16. Review comments included a request for an overall plan to include the as-built locations of the entire collection system, the treatment plant, pumping stations, forcemains, effluent disposal systems and the effluent conveyance lines. Also, a plan and profile should be provided for the stream discharge piping beneath Bolero Drive and East Reeceville Road to the stream discharge outfall, as well as for the forcemains of Pump Stations A and B, including locations of all air release valves. Final record drawings are to be sealed by a Professional Land Surveyor and submitted in AutoCAD format.

Mr. Boldaz is scheduled to meet with MGK Associates on 7/13/16 to review the final punchlist and inspect the corrections that have been made. He reiterated that, since there has been no operation of the drip system, it is unknown whether there are any issues with the tubing. Everything that is visible has been inspected; however, there could be leaks once the system is activated.

#### **Phase IV (Parcel 5B)**

Mr. Boldaz received a revised set of land development plans for Applecross Phase IV from Wilkinson Associates on 6/15/16. The plans were reviewed for consistency with the Authority's Sewer Specifications, generally accepted sanitary sewer design standards, and the current Act 537 Plan, and a review letter was issued on 6/30/16. An additional letter was issued on 6/30/16 with review comments on the Sewage Facilities Planning Module. A certification of capacity cannot be given until the Municipal Authority and Pulte Homes agree to the terms of the Second Amendment to the Construction Agreement. Therefore, Mr. Boldaz recommended that the Township withhold final approval of the Planning Module.

#### **Brandywine Village Shopping Center**

Mr. Boldaz reported that all connections to the public sewer system were completed on 6/20/16. There are some construction items that have not been completed including the installation of filter fabric and removal of the spoil piles. Mr. Boldaz has made several attempts to contact the contractor to determine when they will be back on site, but the calls have not been returned. An inspection will be conducted to check for erosion and sedimentation controls. Mr. Boldaz will draft a letter to Paul Prince to notify him of the outstanding issues, which are the responsibility of Brandywine Village Associates to complete.

A letter was sent to Keith Dudley at PADEP on 7/01/16 to formally express the Township's and Municipal Authority's concerns about the potential environmental issues that could occur at the abandoned sewage treatment plant. The letter also noted that correspondence with Brandywine

Village Associates and the owners of the East Brandywine Center has indicated that neither party intends to take the initiative to properly close the plant.

By letter of 6/22/16, Paul Prince requested documents related to the condemnation of certain lands for a public street. Also, by letter dated 6/24/16, Mr. Prince cited the Township's conditional approval of the East Brandywine Center Land Development Plan, which specifically includes the issue of compliance with Authority Resolution No. 1 of 2010 requiring sufficient storage and land area for disposal of all treated sewage effluent generated on the site. Mr. Oeste will prepare a formal response.

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

There has been no response yet from Aqua regarding the draft Bulk Service Agreement. The new contact person for wastewater operations at Aqua is Gordon Miller.

A preconstruction meeting on Emma Court is scheduled for Thursday, July 14.

### **Hillendale**

The Annual Groundwater Monitoring Report was completed and submitted to PADEP on 7/01/16.

The draft improvement agreement, tri-party agreement, and lease and operating agreement were provided to Tim Townes at Southdown. Mr. Boldaz confirmed that the plans for the sewage treatment facility are complete except for the final building code approval by Yerkes. Frank Newhams is waiting for calculations from Dutchland, Inc., the tank manufacturer, to confirm that the tank has been designed to support the masonry building that is situated on top. Tim Townes indicated that he wanted to consult with the future owners to determine whether they wish to incur the costs related to obtaining the final building code approval now or after they take ownership of the project.

### **Old Business**

Mr. Boldaz continues to await the results of the soils testing performed on the Watters tract on 5/19/16. Mr. Piersol spoke with Don Sample of Land Development Services last month and was told that the preliminary plan submission is anticipated for August. Mr. Piersol referred him to Andy Heinrich to discuss traffic issues.

The dwelling on the former Doane property has been demolished as part of the Hopewell Pharmacy Project at 1199 Horseshoe Pike. The connection to the public sewer system was previously completed.

The Authority Standards, Rules and Regulations, which is the comprehensive resolution to codify all of the Authority's rules and regulations, is in draft form and awaiting a final review by Mr. Oeste. He anticipates the document will be ready for adoption at the September meeting.

Mr. Corbin has reviewed the draft Standard Specifications and Details and will provide comments to Mr. Boldaz.

### **New Business**

Mr. Boldaz has begun a preliminary review of plans proposing a small flow treatment facility to replace an existing on-lot disposal system at 1660 Bondsville Road, and a review letter is expected to be issued within the next two weeks. It is a small package treatment plant of less than 2,000 gallons with discharge to a dry swale or a stream. The system requires pre-approval by PADEP, and the permit application requires an annual maintenance contract with a certified vendor.

### **Public Comment**

There was no public comment.

### **Adjournment**

Mr. Corbin moved to temporarily adjourn the meeting at 8:52 AM and to enter into Executive Session to discuss legal matters related to Applecross. Mrs. Moser seconded the motion, and it was unanimously approved.

The Executive Session was adjourned and the regular meeting was reconvened at 9:26 AM. Mr. Corbin moved to approve the Second Amendment Agreement with Pulte Homes subject to the discussions in the Executive Session and subject to discussion with Treasurer Dave Summers and subject to final approval of all of the required exhibits. Mrs. Moser seconded the motion, and it was unanimously approved.

Mr. Whelihan moved to adjourn the meeting at 9:28 AM. Mrs. Moser seconded the motion, and it was unanimously approved. The next meeting is Tuesday, August 9, 2016.

Respectfully submitted,



Jan C. Bednarchik  
Secretary