

**Meeting Minutes of February 27, 2003**  
**Board of Supervisors Public Work Session**

Chairman Obernier called the Board of Supervisors Public Work Session of February 27, 2003 to order at 8:20 a.m., and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Chairman Obernier and Supervisor Lindborg in attendance. Vice-Chairman McCaffrey arrived at 8:55 a.m. The following individuals were present to represent the various departments: Ronald A. Rambo, Jr., Township Manager, Dale Barnett, Codes Officer.

Manager Rambo advised the Board this public work session was called to discuss sewer between developers within the area of Kimberwick as well as those included in that system and the existing Friendship Village system. The meeting was requested by Bentley Homes to come together and make a determination as to what the Township is looking for with regards to which route they should be taking when their product is being presented to the Board. Costa Homes is also in attendance because they are within the run if they go public. Mr. Wollmack is also in attendance regarding the Maes tract, which is located on Highspire Road.

Craig Poff from Bentley Homes noted the first item he would like to discuss was sewer. He noted they could go either public or on-site. The thought being public is probably more efficient. He delineated Culbertson, Balderston, and Swinehart as reflected on his sketch. Supervisor Lindborg asked what the number of proposed units was in each of these as currently proposed. Mr. Poff noted 172 and commercial, 284 apartments and commercial, and 115 single-family units. He then outlined the areas where the sewage would be pumped through. The presumption Bentley has been working under for the public sewer for the Pennsylvania American option, would be to include the Kimberwick flows and everything in our projects, plus the Janiec property, Snyder property, Wagner Mobile Home Park, and to also hold some capacity in reserve for future connections for Ramblewood, Cross Creek, etc.

Supervisor Lindborg asked Jim MacCombie how much capacity is left in the line? Jim MacCombie stated they were allocated 345,000 gallons per day. Currently they are using 130,000 gallons per day that is going through the system. He noted the Board is aware they recently expanded this system and when the residents tap-in, there total usage will be 150,000

gallons of the allocated 345,000 gallons per day. After meeting with representatives from Pennsylvania American and Bentley Homes with regard to their needs, he stated he was well aware of their needs because he also represents East Fallowfield and Sadsbury with the sewer issues that Pennsylvania American has. The concern is getting additional capacity from the Pennsylvania American system. Mr. MacCombie noted Mr. Poff said they do have a problem in running an inceptor line right now. Pennsylvania American is obligated to take West Brandywine with the allocation that we have. The hospital has purchased allocation for 125,000 gallons per day; they are using 55,000 gallons per day.

Supervisor Lindborg asked what we would have left if the school district, YMCA, and the hospital, and whoever else has already purchased capacity, used their full capacity. Jim MacCombie noted our capacity would be maxed other than what the Township has reserved, which would be another 20,000 gallons. The allocation and the physical capacity of the lines are two different issues. He noted that Mr. Poff has had a consultant look at the lines as they go through our system; they feel they can pump to the Friendship Village pump station opposite Old Spring Road. He then reiterated what Mr. Poff had said with regard to where they would run the lines and noted some areas would need to be upgraded and tweaked.

Supervisor Lindborg asked if they took on the proposed capacity of Bentley, Kimberwick, and Janiec, how much capacity would be left in the system? Jim MacCombie stated if no improvements are made the line could probably handle about 400,000 gallons.

Chairman Obernier asked how much they are looking for right now? Jim MacCombie stated without doing anything they need 250,000 per day – this would include everything that Mr. Poff had just talked about. The line itself could handle about 400,000 gallons per day; if you add the two together you would be about 600,000.

Chairman Obernier asked Mr. MacCombie if this meant yes or no? Mr. MacCombie stated he couldn't say yes or no. If the improvements are made and if Pennsylvania American agrees to take the additional, which apparently they will, but they have to do modifications, the answer is yes.

Supervisor Lindborg asked if that meant they would have the capacity to do the YMCA, schools, etc. Mr. MacCombie answered yes.

At this time it was noted that Vice-Chairman McCaffrey is in attendance. Supervisor Lindborg gave Vice-Chairman McCaffrey a brief summary of what they had discussed so far in the meeting.

Manager Rambo and Jim MacCombie are looking for direction as far as what the Board would like to occur for the sewer. Supervisor Lindborg would like to obtain the numbers. Manager Rambo stated they currently have 345,000 gallons reserved. There is an additional 255,000 gallons not including the Maes tract that would take up Bentley, Costa, Ramblewood, Kimberwick, Andover, Janiec, and Wagner Mobile Home Park. This would leave additional capacity available for Cross Creek. Supervisor Lindborg expressed concerns about providing public sewer to have a potential increase in development and asked how they would allocate it

when someone new comes in. Manager Rambo stated they would enter into an agreement as in the past.

Vice-Chairman McCaffrey noted he has looked at every development that is going in and every one of them have an increased level of intensity associated with them that would not be there if they would follow our Act 537 Plan and developed according to that.

Jim MacCombie had concerns about the Kimberwick system and the new future regulations. They will be required to make substantial improvements to that facility with only a limited amount of resources to fund it. If the board and the Township have an opportunity to get rid of the sewer treatment system, provide adequate treatment for that system, it would get the Authority out of the sewage treatment business and just into the collection and conveyance system.

Supervisor Lindborg asked how much this would cost. Jim MacCombie commented at what cost and what option would be feasible, is it zero or a modest increase. He noted one thing with the system would be the force main going over the by-pass. Concerns would be that you would get “X” amounts of units or 10% additional increase in intensity and development.

Supervisor Lindborg asked what the number of units would be if it is on-site. Vice-Chairman McCaffrey stated that nobody has ever looked at the Act 537 Plan and brought us a development plan based on that scenario. He was concerned that every single application that would be a participant has intensified development that was already unrealistic under our Act 537 Plan. The whole scenario is open to other participants that may come along.

Chairman Obernier noted they are not looking to give Bentley an accommodation for extra units. There is some level of interest in providing public sewer and pump stations. They could work it out so that they end of with the public sewer and pump stations as long as they don’t end up with an increase in the housing units.

Supervisor Lindborg noted there is an increased value in the home with public sewer. Craig Poff noted if you look at the value of public sewer, a community system is more or less a public system as well. Supervisor Lindborg stated, not if people are aware how it works. Mr. Poff noted that a community system that is owned and operated by the community, that the perception of the homebuyer is on par a “Municipality operated system.” Jim MacCombie and Supervisor Lindborg disagreed with Mr. Poff. Discussions pertaining to people not wanting a spray irrigation system, or affluent near their home then took place.

Vice-Chairman McCaffrey noted that the homebuyer’s perception would not be the same as if it was put into a pipe and shipped ten miles away for treatment. Mr. Poff noted they are not proposing spray or an aeration plant, they are proposing SBR (Sequential Batch Reactor). He noted they are very comfortable with the community system they proposed; it’s less expensive than the public sewer option.

Vice-Chairman McCaffrey asked if they could do it according to our Act 537 Plan. The amount of space that is required for the fields and the number of backup fields that have to be there, he

noted that their development doesn't take any of that under consideration, it is about 50% less than what would be required.

Chairman Obernier suggested instead of having to go back and forth, they move forward in one direction. Vice-Chairman McCaffrey noted that the applicants are making assumptions that are not in our ordinance.

Supervisor Lindborg stated that our Act 537 Plan has these requirements and it was signed off by DEP and noted everyone is saying that today's requirements are less and asked what the Township's position is.

Jim MacCombie then explained what that process would entail if it were to be challenged and noted it would end up before the Environmental Hearing Board at DEP with regard to the requirements.

Vice-Chairman McCaffrey stated there are certain latitudes he feels would be logical to grant. The starting point shouldn't be outside the realm of our ordinance and assume those things would be granted and then ask for other compensations. Lets start with what would be there if you went with our ordinance and then discuss where we can go from that point.

Supervisor Lindborg asked Mr. Poff to calculate how many units they could get based on our ordinance. He noted his preference would be if we could come up with some reasonable accommodation to do the public sewer. Supervisor Lindborg shares Vice-Chairman McCaffrey's concern about by having the public sewer, he would end up with an increase of units.

Chairman Obernier asked Mr. Poff if he has the ability to put a pumping station in there, would that be an avenue he could take, based on the number of units they have with their current plan. He agreed with Vice-Chairman McCaffrey's point about having public sewer would open up other areas beyond the immediate development.

Mr. Poff answered yes to a certain extent, because based on the specific constraints on those properties public sewer may be the most viable alternative, it may not be the most viable on adjacent properties with different soil types. Chairman Obernier understood Mr. Poff to say, "if there is a pump station there, and some other property comes along, they can take an individual look at that property and determine if they should be on this public system." Mr. Poff stated they should evaluate that at the time they would be doing a special study, you would want to look at that and know where your going to be at that point. You would want to look at it before the development comes in and you can tailor it to meet the specific needs of an area and address potential problems before hand.

Vice-Chairman McCaffrey noted the lesson he learned – you don't have to worry about your soils or alternate means of disposal, all you had to be was a participant willing to pay your equal share of whatever improvements are necessary for that project. The DEP and the law would let you participate. He noted that if someone threatens to file a suit, they would win and the Township would have to accommodate it, as it has happened in the past.

Chairman Obernier commented that the one thing that has come up in the meeting is the ability to decommission the Kimberwick station so that the Municipal Authority would not be in the treatment business. Supervisor Lindborg stated they are collectively in favor of that.

Manager Rambo asked Mr. Poff how many apartments could he get in that seventeen-acre parcel if he had to put the sewage on-site based on the Act 537 Plan?

Mr. Poff stated that the only way the Beaver Creek site could be developed with that intensity would be to dispose the sewer off the site.

Manager Rambo asked how they could develop that site by disposing sewer on-site. Mr. Poff stated they could do it full commercial use. He noted the use they are proposing generates more sewer than the other type of use.

Jim MacCombie noted what Vice-Chairman McCaffrey's stated - that if you go by the Act 537 Plan and theoretically you can only get 100 EDU, and you are starting with the premise that you have 150, he doesn't want you to come back and say you want 200 units, now that you can provide public sewer.

Vice-Chairman McCaffrey stated there is a fair accommodation somewhere in here where there is enough financial viability in it that the sewer system can be turned over to another entity. He was concerned they will either leave themselves open to very intense development that would not otherwise take without sewer or they will open up areas to development that would not normally receive that level of development because the pipe is going by and everyone wants to jump on.

Supervisor Lindborg was in agreement with Vice-Chairman McCaffrey. He noted his preference would be to have public sewer to tie in the Kimberwick system. He would like to come up with a fair compromise of the number of units and the design of the development. He favored the by-right plan Bentley had previously presented. Chairman Obernier was also in agreement with Vice-Chairman McCaffrey and Supervisor Lindborg. He noted they have a preference of having the pump station.

Vice-Chairman McCaffrey again reiterated their starting point should be to build according to the Township's Act 537 Plan and go from there. All Board members were in agreement.

Vice-Chairman McCaffrey asked Jim MacCombie what he felt the Township's value will be to other developers along the force main that will be created that cuts right through the Township. Jim MacCombie noted he thought it would be a problem if the Township has public sewer and tells the developer he can't have it because we don't want you to have the density. From a municipal point of view it would be more efficient and long term to have public sewer. You wouldn't have to worry about the maintenance of the system. The DEP seems to be putting the obligation on the municipalities to monitor.

Vice-Chairman McCaffrey stated that it is efficient but from another standpoint if you have a big mess and you spread it around, nature somehow can recover from that. If you put it all in a big

pile somewhere then it's a hazardous waste site. It is not appropriate to make the assumption that individual sewer systems are somehow defective compared to a community system, and the giant community systems are better than smaller community systems. He disagrees with the thought that some day all the sewer systems in the Township may fail, and that you are going to have to think of how you are going to provide sewer there.

Jim MacCombie noted it is a supervision problem to make sure they are operating properly, he can give a list of the municipalities that are trying to figure out how to deal with communities that have a multitude of failed systems. West Whiteland, Willistown, and West Bradford are dealing with it, it tends to be an overall expensive and complicated process. It may be the simplest to have on-site, but twenty years from now it could be a nightmare for the Township.

Vice-Chairman McCaffrey feels that a modern appropriately maintained system isn't something you should compare with things like Marshalton where they built homes with septics and wells on 1/8-acre lot.

Jim MacCombie noted Westtown has had to put in public sewer, West Goshen has become a regional system because of all of the problems the surrounding townships have had with trying to accommodate the on-site sewer problems.

Mr. Poff noted he was getting a mixed signal as to which direction the Township would like him to go. On the one hand you would like to get out of the treatment business. Vice-Chairman McCaffrey stated he means the Kimberwick plant, when it was built and what it was built for wouldn't pass with today's standards and he would like to close it. Mr. Poff asked if that is a policy decision, and at the same time you have a policy that these community systems are taken over by the Authority to operate. Chairman Obernier noted that was DEP's policy.

Mr. Poff stated if that is the case, the Township is encouraging the developers to go into their own community system and not go into public sewer. He asked if that wasn't a recognition that the Township is going to be in the small treatment business with the small isolated plan. The Board agreed.

Supervisor Lindborg noted he was referring to the Kimberwick system. Vice-Chairman McCaffrey stated that Jim MacCombie's testimony on the problems and the failures of traditional septic systems and small community systems can be brought to the environmental hearing board to defend the Act 537 Plan with all the reserves and excess areas that are set aside. He noted that they have the one plant that is not a great plant and this is where all the development is taking place. It would be logical that we do not open the whole heart of the community up to more intense development, to take that sewer plant's wastewater and send it somewhere else. That doesn't mean that the whole community would be out of the sewer business.

Mr. Poff thought the Board was saying they prefer to have public sewer as long as there is no big density. Manager Rambo noted that since they have adopted the open space design option we now permit town houses that are higher density in every zoning district.

Mr. Poff noted they have presented seven plans just for Culbertson Village in an effort to please everyone. Manager Rambo suggested they look at their plan as a by-right and see how many units they can put in there with the public sewer and then see how many more units you would need to make it viably feasible. The Board agreed with the Managers suggestion for a starting direction in which to go. Manager Rambo stated he would push as required in subdivision requirements public sewer pipes to be put in, and be capped as necessary.

A representative from Costa said he heard Vice-Chairman McCaffrey say that he wants them to come up with a plan that is consistent with the Act 537 Plan. He noted they will not be able to build the public sewer system with that kind of density. The bottom line is – we have a small development compared to Bentley and we need to move forward with the on-site systems and if you decide to we need to put in sewer lines we will have to deal with that.

Chairman Obernier stated Costa should recognize they are the closest to an existing line that can take their sewage. You can build something that is expensive and it will sit there or you can go in a different direction and get things done more quickly.

Supervisor Lindborg stated they should put the pipes in the street and move forward the their by-right plan.

Vice-Chairman McCaffrey stated he doesn't agree with how people in the community assume that when you put in a permitted sewer system that these systems are destined to fail. In that case why aren't we suing the state or the county if we are being forced to put in what we know will fail.

Chairman Obernier noted that the DEP has wanted the Board to do a maintenance program. Vice-Chairman McCaffrey noted their problem isn't with maintaining new systems that are being put in; it's the pressure that is going to be put on the older system. They will be forced to modernize at the expense of the people. The state is telling waste receiving areas like the Downingtown plant that they can only accept so much sewage. At the same time they are telling us to produce more and take it somewhere.

Mr. Poff asked if the Board wants them to go with the by-right plan or by-right density? Vice-Chairman McCaffrey answered if they are going to use the existing plans that are there and build something, it would have to include both. From that point the Board would decide what the trade-off would be.

Mr. Poff then explained the step-by-step approach he will take with the Swinehart property to calculate the maximum density. Supervisor Lindborg asked that Mr. Poff present this to the Engineer for review prior to coming before the Board with it.

Mr. Poff explained that his frustration with the Board was because back in July when he presented his Culbertson plan he was asked to do a by-right plan, he spent money, effort, and time and the Board said that's great – now do five more plans.

Supervisor Lindborg noted that some of what he has seen for the potential development is acceptable; until you start adding on all the other uses and the intensity of what's going in there and everything being maximized based on sewage.

Mr. Poff asked if they could get direction from the Board with regard to their plans regarding the property they have on Route 322 near Gutheriesville Tire as to which course they should take and then outlined details as shown on their plans. He noted they have come to an agreement with Dr. Eck that he will take their barn. He understands Dr. Eck has been in touch with the Historic Commission to make sure the proposal would be suitable for them. Discussions pertaining to parking took place. Supervisor Lindborg asked if there would be an area that would accommodate a passive recreational area. Mr. Poff noted with this type of housing about ten percent would be young families, the majority that would live in this type of product would be empty nesters or singles. The sewage would either be the community plan on Swinehart or public sewer. He stated they are running out of time and would like to move forward with this plan, the others were just submitted. Mr. Poff asked which of the two designs the Board would prefer assuming they will be doing public sewer. Vice-Chairman McCaffrey stated he didn't have a preference without looking into all the details.

With no other business left to discuss, Supervisor Lindborg motioned to adjourn the meeting at 10:09 a.m., Vice-Chairman McCaffrey seconded the motion. Board members Supervisor Lindborg, Vice-Chairman McCaffrey, and Chairman Obernier all voted in favor of adjournment.

Ronald A. Rambo, Jr.  
Township Manager/Secretary/Treasurer