

Meeting Minutes of September 20, 2006
Board of Supervisors
Municipal Authority

Chairman Obernier called the Special Board of Supervisors/Municipal Authority Meeting of September 20, 2006 to order at 8.30 a.m. and then led those present in the Pledge of Allegiance. Roll call of the Boards by the Township Manager noted Chairman Josef G. Obernier, Sr., Vice-Chairman Thomas J. McCaffrey, Charles H. Hossack, Wilbur C. Adams, and William L. Goins in attendance. Ronald A. Rambo, Jr., Township Manager was also present. Supervisor Carl S. Lindborg and William McAdoo were absent.

Correspondence/Communications *Information to Act Upon*

The BoS and the WBTMA are in receipt of a revised Inter-Municipal Sewer Agreement for their review with regard to the proposed Pulte 55+ Community. Theresa Lemley, Esquire, representing Pulte Homes was in attendance and noted that Joe Riper wrote the Inter-Municipal Sewer Agreement. Chairman Obernier questioned her about who wrote the agreement because at a previous meeting, Ray Grochowski had said that he wrote the agreement. Ms. Lemley explained that he probably meant that Pulte was responsible for writing it.

Correspondence/Communications *Information to Note*

John E. Good, Esquire has provided the Authority and Township a review letter dated September 12, 2006, with regard to the revised Inter-Municipal Sewer Agreement. Joe Riper read John Good's comments out loud. Discussion ensued regarding John Good's second comment regarding the permanency of service. Chairman Obernier stated that if it were to become permanent, he would want to have different details in the agreement. Vice-Chairman McCaffrey expressed that he wanted a simplistic agreement; you pay an "X" amount per gallon, not all the complicated details, similar to the agreement with the CCA. Manager Rambo noted that the agreement with CCA is about eight pages. If the City of Coatesville would no longer send their sewage to PAWC for treatment the Township rates would skyrocket. Jim MacCombie noted he represents Tinmicum Township, their treatment plant, and he establishes the rates. Jim then explained how they come up with their rate.

Mr. Riper stated that the point of this agreement is to protect the Township from the time that the first house is connected until PAWC becomes available. Pulte has agreed with East Brandywine that they are going to underwrite operating deficits. There is a formula to calculate what a stabilized user fee is going to be. Mr. Riper spoke with Mr. Perkin who said that whatever the per gallon fee is after Pulte picks up the deficit in East Brandywine, that same deficit coverage will apply to the users in West Brandywine Township. The calculation will yield some type of stabilized fee; the deficiency is going to be based on

some kind of stabilized rate. Pulte is willing to agree on the same deficit coverage to respond to John Good's comment. The calculations are going to be done in the next week or two.

Jim MacCombie asked if it would be possible to determine what the operation cost is now, determine what the future would be based on a similar operating system, and give the Township a fee based on that, on an interim basis. Pulte would make up the difference, if there is a difference, then the Township would already know what the fee is based on a similar operating system. Vice-Chairman McCaffrey suggested that they do a maximum fee, so that it won't go above a specific amount. Chairman Obernier asked if this would be similar to the plant in Coatesville. Jim MacCombie answered that it would be similar. Chairman Obernier suggested that in keeping with Vice-Chairman McCaffrey's and Jim MacCombie's thought, if they pay the same rate to EBTMA that the Township pays to PAWC for the next few years. Chairman Obernier noted in the Inter-Municipal Agreement it indicates that at the discretion of the EBTMA they can add to the capacity of the plant, WBT will not need anymore capacity and asked why WBT would have to support any part of EBTMA to expand their plant when they know upfront the maximum number of gallons that WBTMA is going to use. Vice-Chairman McCaffrey stated that there should be some protection for the residents. Pulte will own the meters and the Township will own the software. Dialog continued.

Mr. Riper noted an issue on page 4. Manager Rambo noted that after having talked with Jim MacCombie and John Good, there was no simple means to make this simple and short the way everyone thought it should be. If this arrangement should become permanent, there would have to be a new agreement reached between the two authorities and the two townships.

Chairman Obernier commented about page 4, paragraph 3; regarding gallons per day, flow amounts, amounts for age restricted, and single family dwelling amounts. Mr. Riper noted the flow amount refers to any dwelling outside Overlook West. Chairman Obernier asked who pays for the 900 gallons for the community center. Mr. Riper answered the Homeowners Association. Chairman Obernier asked who pays for it if the Homeowners Association is dissolved. Mr. Riper noted that it was not probable, but if it did happen, then it would be a common assessment among all the houses in the community.

Jim MacCombie noted, so that the Board is aware, that DEP has taken the position that they want to allocate 225 per unit per day regardless if it is age restricted, single family, or townhouse; one flow meets all.

Vice-Chairman McCaffrey was concerned about whether this is permanent or temporary and the viable alternative. Manager Rambo stated that once the PAWC plant is expanded it is the intent to get everything switched there. On a temporary basis, as they build more units in West Brandywine Township, they can build less in East Brandywine Township, because there is "X" amount of treatment disposal area in East Brandywine. Pulte will not build all of their units until such time that they can actually go to PAWC, they can't do all their projects.

Vice-Chairman McCaffrey noted concern regarding fees. Manager Rambo explained that Pulte would be putting the necessary plans together with regard to anything in WBT; the pump station and lines to PAWC. They will design and file everything and do the application jointly with the Authority. The Authority will just sign the application; the Township will not have any involvement with it. Vice-Chairman McCaffrey expressed concern regarding an issue on page 14, paragraph 11. Manager Rambo noted that John Good brought this issue up in his letter. Jim MacCombie and Manager Rambo would agree that as long as Pulte prepares the application and designs everything, they would sign off on them when Pulte wants to submit the permit. It is the responsibility of the developer to do everything.

Chairman Obernier stated he has three pages of comments that he will give Pulte at the end of the meeting. A lot of it may go away because it refers to the operating expenses. Chairman Obernier suggested that both meters be read once a week, they should be invoiced once a month and not quarterly, if there is an incorrect reading, it won't go on for a whole month. Manager Rambo explained why they would bill quarterly. Chairman Obernier stated he would still like to have the meters read weekly. Manager Rambo explained that he could pull it up on the computer weekly. Pulte may not be putting in the same type of meter; they may be putting in a mag meter. Chairman Obernier would like to note in the agreement that a weekly reading will be done by EBTMA and WBTMA and if the numbers seem out of kilter, that they can be examined.

Vice-Chairman McCaffrey said if it is determined that a subsidy is needed, would that be something that is bonded or escrowed so that it is there, like you would have for any other public improvement type thing. Mr. Riper stated they did discuss that issue and it was brought up at East Brandywine.

Chairman Obernier assumed that with all the changes, Pulte would have to re-approach EBT and EBTMA. Manager Rambo asked at what point does Pulte see them dedicating this system to the Authority for actually running the operation. Mr. Riper answered when the plant is finished, it will be dedicated.

Manager Rambo noted that the Township has been told by PAWC, that PAWC would accept their capacity fees at the current \$525.00 rate and asked if Pulte is going to consider that now. The Act 537 doesn't permit sewage to go to there, so it is in the Supervisors hands with regard to the Act 537. You have Pulte willing to preserve the current capacity rate with the WBTMA and the WBTMA is willing to possibly go forward to PAWC if they want to believe that they are going to have capacity whenever they need it. The Supervisors would need to amend the Act 537 to allow Pulte to be in the sewer district. Vice-Chairman McCaffrey noted that the Act 537 is currently being reviewed for changes.

Manager Rambo asked how soon Pulte would be going back to EBT and EBTMA. Mr. Riper stated they would first have to talk about how they are going to handle the three year deficiency coverage and how that is going to work. Manager Rambo asked if EBT has had any comments on the Inter-Municipal Agreement. Mr. Riper answered that there were none so far and didn't feel there will be anything in this last draft that would cause them any problems.

Public Comments

There were no Public Comments.

Adjournment

With no other business to discuss, Vice-Chairman McCaffrey motioned to adjourn the meeting at 10.07 a.m. Chuck Hossack seconded the motion. All Board Members voted aye in favor to adjourn.

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