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FRANKLIN TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES January 19, 2011

Call to Order: Chairman Nan Latimer called the meeting to order at 7:02 p.m. Supervisors Eric Brindle, and Norman Hughes and Bill Skalish and Paul Overton are in attendance as were Solicitor Mark Thompson, Jeff Eastburn, Assistant Manager, Sharon Norris, Township Secretary. 11 members of the public. Corporal Mark Perloff is in the audience tonight. Sandi Morgan from URS is here and Grant Hitchens. Bill Romanelli and Earl Hatton are here. Mr. Auerbach is here. PC Chairman Ralph Olivier is here.

At the conclusion of the regular meeting, there will be an executive session following the meeting to discuss real estate.

Nan introduced Corporal Mark Perloff of the Avondale Barracks and he will entertain any questions. He's been in Avondale approx. 16 years and lives fairly locally. They have a new commander, Lt. Tracy Brown. He is proactive in going to meetings. 400 square miles and 20 townships & boroughs. He is receptive to all concerns. He works the streets and supervisors 10 guys. FT is one of his favorite areas that he covers. Generally pretty quiet – no bars but as the State police, they spend an exorbitant amount of time on thefts from motor vehicles and burglaries. To protect yourself, keep a light on and lock your doors to cars and house. If you don't do that, you are eventually going to be a victim. The facts, Mark's opinion, in 2010, drug abuse in America is rampant. Drugs exist in FT. Crime such as burglary and theft from motor vehicles reek of drugs. Lock up!

Mr. Auerbach – interrupted a burglary this summer and the State p Police response was excellent. On South Guernsey Rd. Working on his lane and the house across the road saw a guy jump out the back window. Mr. Auerbach said they did a excellent job. They are our representation but they don't put a patrol car here. When he came back to FT after being in the military, they are putting more cars per square mile. We have one trooper dedicated to our township with other troopers close by. If we have concerns about coverage, contact the Lt.

Mr. Alpini – if someone in the local area dispatches a call, would they be dispatched from Avondale? Yes, they cover as far west & south as Maryland, as far north as West Chester and as far south as Delaware and as far on Route 1 as Hanks. ½ mile from Route 1 is the great equalizer which allows them to be anywhere fairly quickly. The calls are generally speaking answered by state Police, not Oxford. Oxford potentially in a grave incident or Newark, dE/New Castle County could answer too. Paul asked if the one vehicle assigned was 24 hours/round the clock...They run 5, 2-man cars. We could take a tour of the barracks, during the day shift, it is not only 1 vehicle to FT, but as much as they can, they do it. Is the vehicle on standby or running the roads?

He worked the roads for 11 years and you are obligated to be in your zone. They do not have to stay specifically in the Township. That's what they do most of the time, but they could float into LB and into Elk and then back to FT. There is a good chance they are doing paperwork necessary to do at the barracks.

Eric – is there anything you need from the Township? Cpl said no, but ask Lt. Brown.

Al Alpini – do the State Police want to be bothered about a poaching incident? All you have to do is call the Barracks and say "I want a state trooper" then one is dispatched. The answer is, we are not game wardens, but they have powers to uphold game codes, but that isn't their specialty. If you at any time feel threatened, call the police. The police can probably get a quicker response regarding poaching to

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Keith Mullins than a resident could. 1 every 75 feet posting of property is a good way to mark your property. Anytime a gun is involved it is a safety issue.

Nan was happy that everyone is here. We are your neighbors and friends and we should all be polite to each other and

Public Comment

Nan makes the December 15, 2010 minutes. 2nded by Supervisor Hughes. Unanimous.

Resolution 2011-11 regarding disposition of records – 2nded by Norman. Unanimous.

Treasurer's report – 2nded by Eric.

Solicitor's Report – Mark has nothing specific to report on any items that are not on tonight's agenda.

Zoning Officer's Report – presented by Jeff.

Planning Commission/HARB – Did not meet in January – HARB intended to meet but failed to meet a quorum so they discussed potential members.

New Business –

OnLot Sewage Management Ordinance/Program/Contract for Act 537

Sandi Morgan – Stan Corbett worked on this and said the language in the current ordinance is based on an old DEP ordinance so he updated it to 2 major differences: 1 is that the ordinance that we had in place required us to physically inspect all of the onlot systems in the township and if we did not do that then it would jeopardize our ability to get reimbursement from DEP so he took that language out that requires us to physically inspect each on lot system and 2nd area was that DEP language wasn't applicable for a township who is operating under a county health department and since we have CCHD our way of implementing is different than if we didn't so he updated the language. Nan had a question of Mark. In order to do it, we would need authorize the advertisement. Vince has reviewed the ordinance and is OK with it. Nan's question is when we start the monitoring of the onlot sewage, 7 pages in on the bottom, the unit has to be pumped – can a resident show proof of pumping or what? Could they demonstrate by showing us a receipt or was this done before the CCHD database? We were expecting to use that as a starting point. Sandi is checking with Stan because maybe that should be taken out. Paul found the place where it is written in the document. He feels that covers it. Nan read that to mean going forward. She will have Stan get back to us. Nan makes the motion to authorize the solicitor to advertise for adoption Ord. 2011-02.....2nded by Bill. Unanimous.

OnLot Sewage management program proposal – a little bit because CC has a database for over 3 years. This would allow us to incorporate a system contacting residents who haven't pumped in over 3 years. It is good for the environment and also for the septic system. It starts with education, setting up the monitoring system with Chester County. It is for URS to assist the Township in doing these things. It would be done in-house. Nan makes the motion to approve the URS

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proposal of \$2600 for an onlot sewage management program. 2nded by Bill.
Unanimous.

Result of a letter from DEP that came in December reminding the Township they have not followed up on the Kemblesville special study – needs analysis that was to be completed and they gave us a letter in 2008, we responded with some information and performed a special study that talked about the onlot systems in that area and DEP has come back and said they want to see that the Township is actively involved with the Village and they want specific information. They want to see it implemented. URS would respond back to DEP with info as to what the TWP is doing like enacting the sewage management program and putting it into place and updating the alternative analysis which was done a couple of years ago because it looks like the developer-funded wastewater system is not moving and DEP doesn't want this to languish. We would update the cost from a couple of years ago and put that together in a package to DEP as a response to their December letter. Will the Board have the opportunity to review? Yes, it can't go to the DEP without Board approval.

Nan makes the motion to approve the \$3900 to provide services to complete Act 537 planning for Kemblesville. 2nded by Norman.
Unanimous.

Lexington Pointe Wastewater - Lex. {Point is a 38 lot subdivision currently there are 4 hours that are built and all of those houses are subject to a temporary pump & haul scenario where sewage is pumped by Keystone. There is an existing agreement to construct a waste water treatment plant – a mechanical plant – there are various escrows in place to see that built and there was an agreement placed last year. Mark worked on that with Sandi and there is a particular timeline in place. At Keystone's request, they contact the township several months ago to see if there was an opportunity for them to present a possible alternative to the WWTP. The current agreement says developer must build and if it changes, there must be a new agreement. There was a meeting last month with keystone and twp and presented the possible plan to Sandi, Grant, 2 board members and they've requested an opportunity present that proposal to the entire board tonight at a public meeting. The Board should listen, Sandi will explain and ask questions. Once they've given their presentation, we can discuss a way to give them some direction on whether or not this is something they will consider.

Greg Adelman, Creek & Keystone: in 2003, the project received planning module approval for a treatment plant that would be maintained by the township. A mechanical treatment plant was permitted in 2007 when the final specs were approved Project received final approval in September 2007 right about when the market crashed. There is a continued slow residential real estate market. This mechanical plant needs 11-15 homes to work. They are currently at 4 homes and they started building in 20089. They don't anticipate the base flow to operate the plant any time soon. This propelled them to see what their alternatives are. The driving force for the mechanical plant is the elevated nitrate. In 2004, this was the best way to treat. Now there are other devices approved by DEP that are more conventional, easier to operate and give you some form of advanced treatment – not to the same degree, but enough to meet the requirements of DEP. They took a look at their options and that's what they laid out. They present their proposal – Fred Ebert, from Ebert Consulting. They would have to do all the approvals and go thru the township process and DEP process because whatever system they put in has to be approved by DEP. They understand there is a lot of information they have to get

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and testing they have to do and permit they have to obtain. 1 benefit is it can be working immediately. Operational and maintenance costs are less – 3rd thing is a much more proportional system for cost. They want to prove environmental impacts can be addressed.

Fred – passed out a plan- Conceptual Disposal Beds – 11.16.10 – The ability to find something that would meet their criteria, minimize the pump & haul and minimize overall costs of treatment plant. Proposing the same gravity collection to a treatment plan in the same exact area – flow in, 2 community septic, to a circulating filter. Takes effluent after solids have been dropped out and pumping it over a fixed film media, recirculating around, reduce total nitrogen down to 20, flow to a de-nitrogen filter to 10 ml per liter from there it will flow into a holding tank and pumped up to disposal beds located in 4 areas. They are a standard septic system. Stone lined bed, install a pipe, cover with stone and 12 inches of topsoil same as any septic. They will be dosed 5-7 times a day and go back out. Going back to simple treatment. Reduce total nitrogen to 10. They used 22 for their calculation; however, they are going to be treating it down to 10-20 grams per liter. What they are proposing now that they couldn't do 5 years ago is

Currently it is a biological

Wastewater being aerated and treated.

Needs sufficient biology – need to haul off sludge once a week, need a number of 4 mechanical blowers and 8-10 pumps that are all going to have long-term costs, both electrical as well as replacement costs – a pump will last 5-10 years (7 on average). This option reduces the number of mechanical components. It is a community septic that does have to be maintained so they will bring a truck down every month (at maximum capacity). New proposal is 2 trains: 1) we can start with lower flows so that we can eliminate pump & haul day 1 and build disposal field in a compartmental basis. When they are at 80% then they open the 2nd set of disposal fields then build them both up to 80% and it helps the developer with costs. Helps residents because they are only paying for what they need to operate and wastewater systems work best when close to capacity. Reduction of mechanical equipment and to allow it to be built in stages so equipment is being efficiently used all the time. DEP approved this in 12.09 (their proposed treatment system – Orenco AdvanTEX Treatment system) authorization letter & report was given out. The Orenco system is recirculating filter – water flows in, pumped thru 4-7 times. Similar to what a sand mound or sand filter does. They will be providing 2-3 day storage then pump it to individual beds. They are providing 100% redundancy which is what they had before – they are meeting same criteria as before. The goal is to reduce initial cost, enable them to get off pump & haul; provide residents with a system that works no matter the number of residents and reduce the overall maintenance cost and offer something more affordable. From 9 pumps to around 4 and eliminating blowers. Gone from a large mechanical building to an onlot system. It is something people understand how it works.

Ralph asks: Besides the magic, the disposal fields are just perforated pipe and stone bed and previous system was drip system. He thinks that the primary conversation was high maintenance of drip irrigation and replacement on a regular basis of certain things and this is going to eliminate some of that continual maintenance. The main reason disposal beds went out of favor is that there is no one that reps them (?)

Norman – nitrogen is it 10 or 20? What they are designing for is coming out of the Orenco unit is 20 – they are then going to send it thru an upflow carbonation filter to reduce it to 10 mg per liter. He thinks that 10 mg per liter is reasonable that 70-

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80% of the time. For the design they are going to 22, but they are going to make the calculations less than 10.

Designing the treatment system to be 10. Designing the disposal system (nitrogen calculations), putting a factor of safety – treating it down to 10, but disposal field Why do you have less sludge with this system versus drip? It is not drip, it is mechanical treatment. Less sludge because they are not using a biological system where the bugs are eating each other and not adding chemicals to make a chemical sludge. First sludge are inerts nothing you can do 38% of sludge are inerts, but because we are recirculating, we are stripping nitrogen out thru cascading process rather than bugs eating each other which creates significantly more cell mass than recirculating sand fill. A sand mound doesn't fill out like that. They are optimizing what happens in a sand mound but using a cloth media. You do backwash this and biological growth gets so heavy it falls to bottom and it has to be taken out. We are not treating to the same levels as the mechanical treatment.

Mr. Auerbach – please characterize the filter maintenance and carbon – filter flows across top and trickles thru and pumped back to top. Should cycle 4 times before it is discharged. What do you have to do to maintain. Has to be lifted out, power washed off every 6 months; sludge on bottom. Somewhere between years 3 & 7, the filter will have to be replaced. The plastic units, will have to be removed, buy replacement media...life is totally dependent on usage; initially significantly longer lifespans but as it increased, it will go down thru it. Carbinatious upflow filter will have to have its media replaced every 3-5 years – major maintenance in the 3-5 year timeframe & there will be 2 pumps in treatment unit and 2 pumps to discharge. They will last 10 years. Nozzles that spray it back over the media must get checked every week as it will clog. This is all standard stuff and that's why they have an operator out there. We will have a licensed firm to take care of it. Here it will be a contracted thing. They will have to make major adjustments to the treatment system every 5 houses. As you increase houses you change parameters. Bill Skalish asked if there are cost parameters. Approximately 1/3 less. Especially as there is no treatment operator, electrical costs are 20%,

They should be out there 3x a week. PLC changes septic fields. Operates on 2 parameters – water level that is stores (PLC – programmable logic controller) opens the valves and sends a message.

What is capacity if there is a failure? He proposes 2-3 days of storage. He doesn't think a single zone is more than 10% of total disposal. If the pump doesn't work, they have pre-test concrete tanks. Flows are coming to treatment plant 6-10 and 4-8 – he wants to dispose it over a 24 hour period...fill up all day and uniformly discharge throughout the 24 hour period. If it happens over the weekend then you are OK.

Standard well pumps, but you bring a hauler in if it is an emergency. If there is a power failure, they have a back up generator which is a requirement.

They will be using more land than the original plan. How is the nitrogen released? You have to locate your disposal fields in an area that has sufficient land. Here you are spreading it out more – dilution is definitely a factor. When it leaves the property lines that's where you

Are you planning on installing all the primary and secondary beds in? The answer is they don't like installing replacement beds initially. If a bed were to fail you would want to know why and where it failed before you put a replacement bed in next to it. He would expect the life o these to exceed a properly maintained. Paul asked where it eh new land coming from? There are lands they are not going to be using for

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mechanical plant and storage lagoon. Treatment plant is in the same location, but they will be using open spaced areas that were always used for treatment. Open spaced area 6 and open space area 7. They were not going to be used before. They are going to not use open space area number 1 and 3. They are going to be using less effective areas. There will be no difference on this than any other requirement an individual homeowner would have. They wouldn't want to use a walking trail or horse back riding...repetitive compaction. There will be a small white pipe at the end. If water level drops that's how they tell it is working – checked every 6 months. With drip irrigation threw as a small electrical box so now you are going to see less and less things that are going to be operator maintained. Each bed needs its own valve.

This plan they are putting down with at least a foot of cover – drip irrigation is located about 8-12 inches down so this is significantly less sensitive to compaction but they are both regular passive irrigation. You don't want people driving 4-wheelers, but you can mow. Regular landscaping tractor is OK. Advantage is there is no vegetative management – there is no nitrogen. He prefers no shrubs – can they be planted – yes...but does he recommend it? No.

Mr. Skalish asked about re-landscaping plan – and it was agreed that there will be some deviation from the original landscaping plan and probably room for more landscaping but they aren't that far along in the plan.

They are here tonight to present the concept and field questions and take it to the next step which is meeting with DEP. It is going to be

Paul says one is next to stormwater basin – is that kosher? That is one of the things they are asking DEP about. Loading rates are low so it isn't an issue. They are showing it is feasible and it works but the biggest concern is the construction. They are going to be following the same isolation distance. They did the design with 400 gallons per day. Typical EDU for single family is 262.5 150 and 175 is actual usage. DEP for public treatment uses 262.5 which allows. For disposal beds they are using old peak disposal which is 400 gallons. They are providing a disposal field 2.5 times greater than required. EDUs aren't the measurement. 38 EDUs, but it is really gallons per day.

What does a system like this cost versus the old one? This one they are hoping between 50 and 70% of the cost. Original was \$1.4 million and this one \$600,000-\$800,000 for treatment out. Collection system is already installed so they are looking at a significant savings.

Ralph is assuming this will go before PC and BOS. Mark says we are not there yet. It would have to regarding sewage planning module. Ralph said to do those calculations as we move forward because homeowners are interested in that.

Paul asked who would operate this? We would use a contract operator. There are 7 or 8 of them. Applied Wastewater; Dutchland, Miller Environmental – Mr. Ebert would like to narrow it down to 3 to provide the best operation. His opinion is that the operator makes the system. They extend the life of the system. You want the best person out there. Putting the proper contract together is very important.

Paul asked what if the nitrogen isn't at 10? What do we do? Are there any guarantees with this? We will get a guarantee from the manufacturer? How do you protect yourself? You build in the safety factors? Have them design it to 10 mg at the treatment plant and use 22 at the disposal fields. We are doing this on a lbs basis so they are assuming we have all 262 gallons going down. He is doubling safety factor.

DEP is not going to let them use a system on the borderline. And he has provided a letter from DEP.

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Sandi – system that is being proposed is not new – it is just “packaged” by Orenco. Major issue is the nitrogen issue and she is pleased that they BOS picked up that the nitrogen will be higher and relies on the

It really isn't going to take nitrogen out, it is going to be diluted. With a system like this, with a small system for 38 homes, it is a balancing act – you have to decide this has this advantage, and this disadvantage and you weigh the pros and cons.

One concern was that this packaged technology is relatively new and none in our area of the country. She investigated and it seems to be working but wanted to speak to some operators who provided 2 references of systems operational for 2 years – State of NM and Washington. NM is used at a resort so it isn't exactly the same situation for a development. The one in Washington for a small village and even though it as designed for 10,000, they have 120 residents. That has been in operation for quite a few years and =both operators were pleased and had good support from the manufacturer and easy to operate. That allayed some of her fears. One system they don't monitor nitrogen and the other they have some. Their state doesn't require them to do a lot of nitrogen monitoring. Level a lot of the time it was 10 or less however there are times when t is not. The data shows that it goes to 15 mg per liter so she thinks we would want to put in some safeguards that Fred talked about. It is an advantage that you have less mechanical components and she's always said a drip system has a lot of disadvantages and that technology has not been in use in this area to know what the long term implications are of that – how much costs to replace tubing and such. This will be a series of steps first they will have to do soils testing; they will have to do new hydrogeological testing that will be costly and take time; they will have to do a new planning module and approved by township & DEP. Then there will be whole new part II permit required and we will go thru design and a lot of agreements that need to be modified so this is not a done deal there will be a lot of steps a long the way and the Board would be mindful that URS will require them to keep the existing permit in place so that if the housing market takes off and they still are a year and a half away from getting this system approve they may have to build the drop system and that permit will be there until this new system is in place so this is all at the developer's risk.

Paul: What if Advantex goes out of business – what do we do then? Sandi says it isn't sophisticated so we could come up with something else – but right now we use sand so it is whatever is holding the biological matt so they came up with using a different media.

Paul says what is the down side? Sandi: our goal is to try and make sure township is protected and will want to see agreements put into place that would say here's what we expect so that if something doesn't work out, we still have a fall back. Sandi is willing to say that they should start on this and as she said it is a step by step thing. If the soils don't pan out, we are back to first system. If hydro doesn't pan out, we are back to the first system. Paul suspects Sandi will have to spend a lot of time on this – Sandi requires an escrow up front. Norman already expressed that and Mark will work with Mr. Adelman and we won't work without money up front. Mark said the township is under no obligation to consider an alternate system. There is no decision here tonight as to whether or not there is an up or down. What we are looking for is a sense of the board whether URS and Mark should develop a term sheet to provide to Mr. A. and keystone indicating steps that need to be taken and setting out the protections stated. We can't be put in a situation to be contractually bound to permit a system if Sandi & engineer can't agree. Both solicitors understand we are not approving anything – direction would be Sandi & mark develop terms and Sandi has already developed steps that Keystone needs to take (pretty straightforward) but before keystone moved ahead, Sandi & mark would quickly

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develop terms to present to Mr. Adelman and they could agree to have that before the Board.

Mr. Adelman wants to include a meeting with DEP to make sure that DEP doesn't require something different than what we require. In this whole process DEP is the one who issues the permit. Mark & Sandi think that is fine.

Direction is the Board would like the consultants to spend some time generating this list which would ultimately be an agreement so the Township is protected and Keystone is clear in the knowledge of the steps they need to take to effectuate this new system and that is a decision if the Board didn't have an interest that would be an option as well.

Eric doesn't have a problem if the consultants and builder wants to proceed in an exploratory manner. Norman doesn't either – it has to be a clear advantage to the township and residents and Nan agrees so does Paul & Bill – no additional cost to township that is the big thing.

Mark, Greg and Clients agree that there is no agreement on anything.

Greg thanked everyone for their time and consideration.

Lang Sidewalk – consideration of Mr. Lang's request at the December meeting and requested for the board to waive the requirement of putting a portion of sidewalk on Forrest Gump rd. He had some questions at that meeting concerning the dedication of the Right of Way of Forest Gump and it was determined that to take dedication of the entire area of 300 ft of R of way where there was no road – it was just a paper street and the intent at the time was that the developer would put a road in and there is a driveway that leads to lots 5&6 and the intent was that the road would be built...circumstances have changed considering the fact the township is not sure whether or not that stretch of road will be built is that we require Mr. Lang to have an easement agreement to allow lots 5 & 6 to utilize our Right of Way as a driveway to make sure that sometime in the future that those individuals don't approach the township to insist we build the road.

2nd was the waiver of the requirement of building the sidewalk so if the board would like to discuss this request.

Norman said Mr. Lang's statement that engineering is not available, but it is on the echo hill McMaster plan. Nan agrees with norm to build the sidewalk as was on the plan – same with Paul and Bill – Eric too. Mark will inform Mr. Lang that there is no interest in granting his request. Before a building permit is issued an easement needs to be agreed upon. He has to build a private driveway.

Appointment of new township rep to SECCRA – Jim Trouba has been our rep for 12 years and he has recommended Lou Militana to take his place at SECCRA. 2nded by Norman. Unanimous.

Public comment: Ralph wanted to refresh people's memory – we didn't know if we were going to get dedication of the roads or if the roads were going to be built. Mr. John Auerbach has a comment about Kemblesville Village System – looks like DEP is forcing the Township's hand. Act 537 is a plan mandated by DEP. Some years later our study was done and approved by DEP except for some properties in Kemblesville and a special study was done to identify those specific problems. DEP also knows that we are relying on the Stipulation and they are not forcing us to do anything. Paul says they are interested that we keep an eye on Kemblesville. They are leaning on us to give them an update. We are being proactive. Mr. Alpini – the ordinance for septic – would that be township wide? Yes, is the answer. Will there be enforcement? It will be a light enforcement with a letter going out to residents encouraging

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them to pump. We don't know how up to date the
Ralph wants to know if haulers have to report to the County. Yes.

Mr. Auerbach wants to know why we are regulating this. DEP is requiring us to do this as we are responsible for the health safety and welfare of residents. It is a monitoring that we are mandated to do. It is a requirement of the state. With minor benefits.

Al Alpini – is there an action plan to come up with how to answer the questions asked at the public hearing? Nan says they need to speak to the Solicitor about how to answer? When can residents expect a next step? After tonight they will have an answer and they do want to answer.

Zoning? Based on changes in code regarding new construction requirement of sprinklers when compared to other states and townships n how that requirement is interpreted of new construction versus remodel and well versus public water

Based on the building code, all new construction must have new

Clarity on what is new construction and addition? When will you need to put in a sprinkler?

The UCC makes them interpret it the same way. The Board suggested that he speak to Duane.

The UCC is based on the ICC the interpretations are supposed to be the same. In speaking with Duane it was still unclear. What is the implication for a well based system if you lose electricity you lose sprinkler so do you have to put in a high pressurized system? Multiple issues regarding this. Ralph thinks people are going to Harrisburg to modify this issue. Not enough gallonage to meet any code requirements. As a local resident who is considering an addition it is an issue. How should he move forward? It is going to be costly. Nan will talk to Duane and get a feel for what to do.

Adjourned at 9:02 p.m.