NEW GARDEN TOWNSHIP
299 STARR ROAD
LANDENBERG, PA 19350
BOARD OF SUPERVISORS
SPECIAL MEETING MINUTES
DECEMBER 1, 2014

Present:

Betty Gordon, Chairman
Stephen Allaband
Richard Ayotte
Randy Geouque
Patrick Little

Spencer J. Andress, AICP, Interim Manager
Vince Pompo, Solicitor
Approximately 175 person from the public
John Thaeder – Artesian Water

A. CALL TO ORDER

Chairperson Gordon called the meeting to order at 7:05 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flag was recited.

C. REMARKS BY CHAIRPERSON BETTY GORDON

D. REMARKS BY TOWNSHIP SOLICITOR POMPO

E. PRESENTATION BY ARTESIAN WATER COMPANY – John Thaeder

F. PERSONS SCHEDULED TO APPEAR BEFORE THE BOARD

1. Donald Vymazal, representing Senator Dinneman, read a statement.

2. Representative Chris Ross – No statement (office person present).

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3. Dave Yake

Many residents and Save Our Water members have years of experience with developing and commercializing technology in various industries and have learned the hard lessons of "unintended consequences" in analyzing data and extrapolating to extreme conditions. The April aquifer/well test period you discussed followed a heavy spring thaw and rain fall period and yielded heavy ground water saturation and Broad Run Creek flow during the test. Over 2200 area residents are concerned that during low rain fall/ drought conditions they could have a well problem...or that it might have a large impact on Broad Run Creek from an environmental point of view.

How can the results for your tests which were conducted after a heavy spring thaw and heavy rain period, be extrapolated to a typically low period, such as August or September, or drought period and what can you do to alleviate the concerns of residents, Save Our Water, and local businesses worried about losing the water in their wells?

John Thaeder – The test protocol was reviewed and approved by DEP. The testing was performed in accordance with the protocol.

4. Barry Crozier

You have expressed confidence that there will be no problems for residents having diminished water supply capacity with their private wells even if you are allowed to pump 288,000 gallons/day from the Broad Run well.

Are you willing to guarantee, by way of a performance bond or other financial assurances to the public, that you will provide free water and also pay for any costs of hooking them up with your system, if your estimates that they will not be impaired are wrong? Would you be willing to do this for a radius of, let's say, 2 miles from the source of the well?

John Thaeder – Artesian is not willing to provide a performance bond. Artesian will adhere to any stipulations imposed by the PUC, DEP or DRBC.

5. Neil Oberter

Over 2200 residents are concerned with the ecological impact of extracting 288,000 gallons/day of water from the ground water supplies for the Broad Run Creek, or about 26% of the stream flow according to some estimates. During drought conditions that number could be 40 – 50%.

Does your analysis indicate the same impact? If not, then why not? If yes, then what could you do to minimize the impact on the local Broad Run Creek ecosystem?

John Thaeder – The data shows there is not expected to be any significant detrimental impact on the stream base flow.

6. Carol Buckwalter

According to the US EPA, the average household use of water (inside and outside) is around 100 gallons/day per person...or 400 gallons/day for a family of 4. Your request is for 288,000 gallons/day, which would translate to over 700 homes. However, the service area request says 38 existing + 200 proposed future homes which would only need 88,000 gallons/day of water.

What do you plan to do with the extra water? If the water is only to be used for PA residents, then why do you need to hook up to the DE Artesian supply lines?

John Thaeder – The Broad Run well will be part of the overall Artesian system and will become an alternate source of supply for existing customers in the area (both PA and DE).

7. Jane Waggoner

Public water is already available in the Somerset Lake community very close to the new requested service area (within ¼ mile).

Has Chester Water Authority been asked to extend their lines as an alternative to your current proposal? And, if not, why not?

John Thaeder – CWA has not been contacted. The CWA main transmission line connecting with Artesian's system is too far from the Broad Run area to be an effective alternative source of supply.

8. Marion Waggoner

Public records show that you already buy about 3 million gallons/day of PA water under a contract with Chester Water Authority (CWA) via a 20 inch pipeline which goes into Delaware along Limestone Road. The contract allows you to ramp that rate up to about 6 million gallons/day.

Since you have certified to the state of DE that you already have adequate water supplies for New Castle County (including the 3 million gallons/day from CWA), why would you need to make an interconnect with your DE supply lines if the well were activated? Isn't this being planned in order to take our well water to New Castle County?

John Thaeder – The Broad Run well will serve as an alternate source of supply for the Artesian system. The CWA main is too far away to be an effective alternate source.

9. Eileen Oberter

In 2005 Artesian was granted a service area in Franklin Township for which, almost 10 years later, no service has been provided. Now, a new service area has been requested in New Garden Township.

Is this part of a long term expansion plan to become a dominant public water supplier in southern Chester County PA by locking up services to territories to avoid competition?

John Thaeder – Service areas are established when service is requested. Artesian does not unilaterally establish these areas. Sometimes projects do not get built, as in the Franklin case, after a request has been received and a service area established.

10. Connie Eash

The property where the Broad Run well is located is zoned R-1, which would not allow commercial activity or removal of water from the property.

Does Artesian plan to proceed with its plans to build a commercial pumping station and activate the well while in clear violation of New Garden Township ordinances?

John Thaeder – I am not an expert on land use matters, however, Artesian would not be here tonight and would not have done what has been done to date if the intent was not to move forward with the project.

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11. Dean Buckwalter

Owning the rights to natural God given resources comes with a responsibility to those who depend on those resources. One of the perceptions surrounding your application to take 288,000 gallons/day from a local well, is that it potentially undermines the water supply and value of many homes that were also built by the family from whom you bought the rights to the water. Put aside for a moment that this action is, in and of itself, a grievous breach of trust.

How does Artesian plan to be a responsible steward of the people's water?

John Thaeder – Artesian will adhere to all requirements imposed by various regulatory agencies that have jurisdiction in this matter and will act in a responsible manner.

12. David Doyen

Your plans call for pumping 280,000 gallons/.day from the Broad Run well, an amount much larger than needed to service current and planned homes in New Garden Township, and connecting to Delaware supply lines.

If you are granted a water supply allocation from the Broad Run well, who will monitor the quantities of water you pump and where it goes?

John Thaeder – Primarily DEP and DRBC by means of self-monitoring reports that are required to be submitted periodically.

G. GENERAL DISCUSSION AND QUESTIONS

Sandra Cook – White Clay Drive

Routing of water main and potential impacts

Richard Gaw – Chester County Press

Did Charles Wilkinson know of the test results and when?

John Thaeder – No

Thomas Gruber – 14 White Clay Drive

Do you continuously monitor draw down levels and cone of influence?

John Thaeder – Will abide by all regulatory requirements

Karen Bacoe – Landenberg

Was the land owner compensated for the well?

John Thaeder – Well has been there a long time and contract in place. No compensation to Wilkinson for water withdrawal

Jay Moriello – 5 McCormick Drive

House on the Cockeysville Marble – one-time customer of Artesian. Why pump from PA to sell in DE?

John Thaeder – Yes we will sell the water when it is needed and used

Vince Pompo – Everyone owns the resource, not the state.

Paul Warren – Landenberg

Will well pump continuously?

John Thaeder – No, only runs as needed based on pressure

Alan Andrade

What type of storage?

John Thaeder – No plans to modify the 6" well

Most storage in DE

Do not plan to build an above ground tank; will build a 25,000 – 35,000 gallon below ground tank

Treat the water with chlorine and fluoride

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John – 108 Eden Road

Had his well monitored during the test and was away during the test

Said a drop in the well, even though no water use; "must have a leak"

Lived there 25 years

Concerns about reducing supply to Newark, DE

Were other wells monitored in 2001?

What is the basis for comparison in 2014?

Where does Broad Run Ridge get its water?

John Thaeder – The well spiked on and off during the test but don't know why

Buy water from CWA and mixes with Artesian well sources

Not about supply but reliability

John Crozer – Broad Run

If wells will not be impacted, then why does Wilkinson want Artesian to serve all of his properties?

John Thaeder – Two monitored wells related to Wilkinson

Mailed in early 2014 to 125 residents within ½ mile

Artesian asks for an allocation but DEP & DRBC decide the allocation

Anyone who ties in pays the same fee, charges, etc.

No immediate plans to serve Wilkinson

Dennis Newbold – Penn Township

Stream flow reduces to ¾ of base flow during a drought.

One in ten years all of the flow in Broad Run will be removed.

John Thaeder – I don't know – need to get the answer.

Nanei Hegh – 9 Okey Drive.

Mandatory connection?

Must buy our own water back?

John Thaeder – No charge for firefighting water used

Cannot require connection

Cannot answer land use questions

Jim Thompson – Landenberg

Water is a commodity to be sold by Artesian.

All folks on well view it as a natural resource to be protected and preserved

John Thaeder – No comment

Ken Laughlin

Wilkinson wants the public water in order to increase new home development

Will withdraw increase in the future?

John Thaeder – Wilkinson must abide by Township rules

Cannot predict the future needs; may be whatever the demand is

Monty – 761 Broad Run Road

Lives within one mile of the well

Will Artesian presentation be available online?

Not conceivable that Wilkinson will not benefit somehow – more development

Has Artesian talked to the White Clay Watershed Management Committee?

John Thaeder – John will check into providing Township a copy of the presentation

Met with White Clay Creek Association

Shane Morgan is reviewing the application

No water goes to Newark

Dave Yake

Reliability and risk versus likelihood of need

Proposed new development

38 homes now

Northern New Castle County to be served / supplemented

Does not appear there is any reliability problem

Who is really going to benefit and at how much cost?

John Thaeder – Does not want customers on a single supply line

Need another source to feed the system

Michael Norris – Newark Road

Concerned about our wells and homes and our supply

You are concerned about money

John Thaeder – No comment

Barry Crozer

From Paragraph 16 of PUC application

Two years to design and build the new well system

How can Supervisors and other agencies approve a plan that is not really complete yet – infrastructure not complete?

John Thaeder – Only people who are charged are customers and only people who request service become customers. The infrastructure follows the need.

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Marion Waggoner

What about enhanced fire protection and ability of fire companies to get water?

John Thaeder – Closer the hydrant the quicker the turnaround

About one mile from CWA hydrants but CWA cannot supply

Has not planned the hydrant locations yet

Fire company will select hydrant locations

Alan Andrade – Somerset Lake

Wild & Scenic River status – does that trigger EPA review?

John Thaeder – Don't know if EPA will review

DRBC will review

Shane Morgan / National Park Service will review but DRBC will review

Robert Haulk – Newark Road

Should only look at data from the well after Broad Run Ridge was completed

How deep is the Broad Run well?

John Thaeder – Well is 205' deep

Depth to water less than 20'

Draw down was 6'

No effect on neighbor wells outside of the cone of influence

Vince Pompo

Only three wells in the formation (Cockeysville Marble) that were monitored?

John Thaeder – Yes

Sharon McCann – Newark Road

Indemnification issues and potential liability of Artesian

Pat Little

Looking at drilling other wells in NGT?

John Thaeder – No

Randy Geouque

Questions John Thaeder could not answer – when and how can a response be expected?

John Thaeder – Answers in about two weeks but before 12/22/2014

Send to Spencer Andress

Richard Ayotte

How do you alleviate concerns about running dry?

John Thaeder – If Artesian causes a well to fail, then Artesian will make connection "for free"

Who decides who is at fault – will find out

Steve Allaband

Thanks to Senator Dinneman

Does Artesian charge for hydrant service?

Does PUC application show interconnect to DE?

How long did it take to recover 6' of drawdown?

John Thaeder – Do not know how long it took to recover the 6' of drawdown

Artesian in DE does not have hydrants but PA PUC may require them

PUC application interconnect – not sure what is in the application

Richard Ayotte

With all 130 wells in service, all of these questions must have come up before.

John Thaeder – Yes the DE regulations provide good oversight but no wells have gone dry

H. ADJOURNMENT

Motion by Mr. Little and second by Mr. Geouque to adjourn the meeting at 9:14 p.m. The vote was unanimous to adopt the motion as presented.

Chairperson Gordon announced that the next meeting of the Board of Supervisors will be Monday, December 15, 2014 starting at 6:30 p.m.

Respectfully submitted,

Spencer J. Andress

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Assistant Township Secretary