



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

SPECIAL MEETING
SUNOCO PIPELINE in MEADOW CREEK LANE

October 13, 2020

7:30 p.m.

Approved

LOCATION: This was a virtual meeting, held via Zoom video/audio conferencing, in order to minimize public exposure to COVID-19 and maintain social distancing. The meeting's Public Notices instructed those interested in participating in the meeting to email or call the Township Manager for the link and password to join in the meeting.

In Attendance:

Board of Supervisors

Sandra M. D'Amico, Chair

Jamie W. Goncharoff, Vice-Chair

Jennifer F. Baxter, Member

Tony Scheivert, Township Manager

Shanna Lodge, Assistant Township Manager

Gwen Jonik, Township Secretary

John DeMarco, Police Chief

Rhys Lloyd, Building Code Official

Anthony Campbell, Zoning Officer

Kristin Camp, Esq., Township Solicitor

Dave Leh, P.E., Township Engineer

Matthew Brown, P.E., Municipal Authority Administrator

Sandy D'Amico called the meeting to order at 7:31 p.m. The topic of this special meeting is an easement agreement with Sunoco, proposing pipeline construction in Meadow Creek Lane rather than in residents' yards, following the failure of Horizontal Directional Drilling (HDD) in this area. There were 27 citizens in attendance, including Senator Katie Muth and Representative Danielle Friel-Otten.

Sandy D'Amico asked Kristin Camp to describe the easement agreements.

There are two easements proposed: a permanent 50' wide easement within the road right-of-way of Meadow Creek Lane and a portion of the road right-of-way of Styer Road for the construction, operation and maintenance of two pipelines (a 16" and a 20", each not to exceed 24" diameter) and above-ground markers outside of the paved cartway but within the 50' easement; if cathodic protection test stations are needed, they may be placed within the permanent easement but not within the paved roadway; and a temporary construction easement less than 0.01 acre adjacent to the permanent easement. The temporary easement starts the day Sunoco mobilizes the construction equipment onto the permanent easement and ends on the day they complete all work related to this project or 36 months after the start day, whichever is earlier. Sunoco will notify the Township 5 days prior to mobilization, and estimates the construction will take 90-120 days, and they'll provide the Township with written notice of when the temporary easement is terminated.

Tonight's meeting is to discuss these terms and receive public comment; no decisions will be made this evening.

The Township is the Grantor; Sunoco is the Grantee.

A lot of protections for the Township residents are contained in the easement agreement, and Sunoco will pay \$1,000,000 to the Township upon issuance of all permits for the construction.

Sunoco will go through the Road Opening permit process with the Township building and code department, then execute the agreement, and then Sunoco pays the Township the permit fee, like any other permit fee.

The amount of the fee was established in conjunction with Matt Brown's estimate to provide public sanitary sewer to 11+ homes in the Meadow Creek neighborhood; the residents won't have to pay the costs of the tapping fee, connection fee or construction fee.

The permanent easement is non-exclusive so other utilities can be or remain within the road; the Township gets copies of all the permits issued to Sunoco; the pipeline is to be at least 60" below the surface unless they hit rock and then it might be less deep; they cannot leave open trenches overnight; Sunoco is required to restore the surface of the permanent easement to the condition prior to use of the easement; there's a 3-year 'warranty' for repair of any sink holes caused by the pipeline or the construction of the pipeline.

Sunoco owns 38 Meadow Creek Lane, which they've agreed to convey to the Township when they've completed this project, with an easement for Sunoco access. The Township could sell that parcel if desired.

Mrs. D'Amico and Township personnel addressed the comments and questions within the Zoom "Chat" area, briefly summarized below; this is not a formal transcript.

Above-ground markers are required by federal statutes.

The construction schedule hasn't yet been determined as no decision has been made. As permits are issued, a pre-construction meeting would be held and the construction schedule available then.

A letter regarding the installation of public sanitary sewer at no cost would be drafted in the future.

The detection of leaks via flyover when the pipeline is in a road will be researched and provided.

Quail Run Lane is not impacted by these pipelines.

The easement on 38 Meadow Creek Lane will be toward the east of the existing dwelling and the house won't be demolished.

Sunoco should conduct a geologic study to determine where and how deep there may be rock; Sunoco needs PaDEP permits.

The permanent easement is 50' wide – the paved road isn't that wide; some of the easement is in yards but the pipeline will be within the paved road, not in the yards.

Primary construction contractor contact and responsibilities for any utility service interruptions will be discussed during pre-construction meeting.

Sunoco will comply with the Township noise ordinance regulations.

The costs of the public sewer include the main in the street, laterals that connect to the homes, grinder pumps where needed, and decommissioning of the existing on-lot septic systems.

The construction work will be done in small sections and any trenches closed up or plated overnight.

It's not certain at this time if all of Meadow Creek Lane or if Quail Run Lane will be included in the public sanitary sewer installation.

Concerns were raised regarding air quality from open trench excavation.

The pipeline is being constructed under the existing road, which is already compacted; there shouldn't be any change in soils or storm water management.

The easement agreements being discussed were posted on the Township website, in tonight's meeting agenda packet.

The pipeline is being constructed on one side of the road; they won't be using the full width of the road for construction; Chief DeMarco will meet with the contractor prior to construction to coordinate provisions for emergency response.

There will be additional negotiations with Sunoco if directed by the Board of Supervisors; the Board could move to approve the easement agreements, or they may want to leave more time.

Concern was raised about the history of Sunoco failing to follow their plans; they still need to clean up Marsh Creek Lake. Take more time, get more information from Sunoco before making a decision.

The Board of Supervisors has been negotiating with Sunoco for quite some time. Sunoco has been determined to be a public utility and could take via eminent domain, in which the Township would get 'market value' for the length of roadway involved.

There are legal requirements in the easement agreement that cover breach of contract; a performance bond isn't necessary.

Concerns raised about water quality, increased Turnpike noise and visibility since Sunoco started work nearby. Suggestion to require Sunoco to replace landscaping or return 38 Meadow Creek Lane to its original condition.

Concept for turning over 38 Meadow Creek Lane to the Township was so the property could be restored and increased in value for the community/sale rather than Sunoco leaving the area and abandoning the property.

The Township is trying to negotiate the best possible outcome and protect the residents' property from further damage.

Suggestion made that each owner have a licensed engineer perform a pre-construction inspection and document it. In Pennsylvania, the municipality is limited as to interference between private companies and private property.

Everyone on tonight's call who wishes to be notified of future meetings on this matter should send/confirm their email addresses with Tony Scheivert.

Sandy D'Amico thanked everyone for their participation this evening and adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary