



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

SPECIAL MEETING
SUNOCO PIPELINE EASEMENT AGREEMENTS
-- MEADOW CREEK LANE

October 26, 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

Kristin Camp, Esq., Township Solicitor

Tony Scheivert, Township Manager
Gwen Jonik, Township Secretary
Rhys Lloyd, Building Code Official
Anthony Campbell, Zoning Officer
Dave Leh, P.E., Township Engineer
Matthew Brown, P.E., Municipal Authority Admin.

Sandy D'Amico called the meeting to order at 7:34 p.m. The topic of this special meeting is an easement agreement with Sunoco, who is proposing open trench pipeline construction in Meadow Creek Lane rather than in residents' yards. In addition to Township personnel, there were 45 citizens in attendance, including Senator Katie Muth and Representative Danielle Friel-Otten.

Mrs. D'Amico provided background on the matter:

February 19, 2019 – a group of residents ask the Board of Supervisors to join the Safety 7 and intervene at the State level regarding safety concerns with Sunoco's Mariner East projects. The Board authorizes hiring a solicitor to represent the Township's interests.

June 16, 2019 – authorized the filing of a Petition to Intervene and become a party to the proceedings in the case.

August 19, 2019 – The Board was advised of a petition with 67 signatures from High Meadow residents requesting any easements or permits from Sunoco be denied by the Township. The Board held a public meeting on the topic, and based on feedback from residents, advised Sunoco the Township wouldn't allow for open trenching in the roadway.

October 14, 2019 – the Sunoco project and the impact to Meadow Creek Lane residents was an agenda item at the regularly scheduled Supervisors meeting. Senator Katie Muth and Representative Danielle Friel-Otten were in attendance. Residents voiced concerns and asked questions of Staff and elected State Officials.

November 18, 2019 – the Township indicated they'd deny Sunoco's request for open trenching in Meadow Creek Lane (MCL). MCL residents were informed that any Agreements with Sunoco would be discussed and/or approved at a public meeting.

February 18, 2020 – residents reported that land agents told them if they didn't want open trenching in their yards that they had to ask the Township to allow it in the road. The Township reopened discussion with Sunoco.

May 18, 2020 – an Agreement was negotiated, in principle, with Sunoco to allow for open trenching in MCL. In exchange, Sunoco would pay \$1,000,000, which the Township plans to use to provide public sewer to all properties in High Meadow development. It's the Board's intent to provide that public sewer at no or minimal cost to those residents.

August 10, 2020 – Sunoco spills drilling mud into Marsh Creek Lake

August 13, 2020 – Township writes to Governor Wolf asking him to rescind all permits for Sunoco's Mariner East project. This does not happen.

September 23, 2020 – Township sends letter to Meadow Creek residents advising them that the MCL easement will be on the October 13, 2020 Supervisors meeting agenda.

October 13, 2020 – the Board shares details of the easement agreement with the MCL residents, which allows for open trench construction within Meadow Creek Lane and includes Sunoco paying \$1,000,000 to the Township in exchange for the easement, and that Sunoco will convey ownership of 38 Meadow Creek Lane to the Township. Attendees were concerned that more time was needed for public comment. The Township schedules and advertises a special meeting for October 26, 2020.

Sunoco, a public utility, has the right to condemn property and take it through eminent domain. If the Township does not approve this easement agreement, Sunoco will file the Declaration of Taking to condemn the property. This could take 30 days, or several months. The conditions that the Board has negotiated to be written into the easement agreement for the protection of the residents would be lost, as will the \$1,000,000 payment and public sewer project; other neighborhoods that have taken Sunoco to court have lost after spending hundreds of thousands of taxpayers' dollars;

the Township won't vote on the easement agreement tonight - a recently received legal document has to be fully vetted; a vote will be considered at a meeting scheduled for November 5, 2020.

Questions and comments will be taken until 9:00 p.m. this evening, with Township residents going first and open to other attendees if time allows.

The following is a summarization of the evening's discussion; this is not a formal transcript.

The focus has been on Meadow Creek Lane, what about other areas of the Township affected by Sunoco?

Sunoco could file for condemnation by eminent domain if we don't sign the easement agreement - the Township would have 30 days to file an appeal – if we lose the case, then Sunoco pays only the market value of the easement area;

Sunoco needs PaDEP permits and must comply with those conditions, and State laws;

The Township has been updated weekly regarding the cleanup of Marsh Creek Lake from August's spill;

All Meadow Creek Lane and Quail Run Lane will be part of the sewer project;

These 2 pipelines will be in sealed pipes, constructed in open trenches within the roadway, not by the HDD method. There shouldn't be an impact to private wells using this method; that's more of a risk with HDD.

Will Sunoco's vehicles be identified? All manner of vehicles in/out of 38 Meadow Creek Lane that it's hard to tell if they're with Sunoco or trespassers. This will be discussed with Sunoco, as well as personnel should also be required to wear badges or some sort of identification.

Support for moving forward with agreement so the protections are in place.

No hydrologic report since it's not HDD and the trench will be in an existing roadway. Any wetlands on 38 Meadow Creek Lane are on Sunoco property and the Township has no authority there.

The project area is the open trench from Greenridge Road over to Styer Road, bore under Styer Road, then open trenching to 38 Meadow Creek Lane.

The public sanitary sewer project is in the design phase; preliminary drawings are being prepared; targeting bid over the winter/spring with construction starting mid-Spring 2021, lasting @ 12 months. On-lot septic tank abandonment will be done according to Chester County Health Department regulations (pumped out, disconnected, filled with sand, abandoned in place). We need to acquire proper permits and expand the wastewater facility.

Residents near HDD pipeline projects have experienced on-lot well water contamination issues. PaDEP has aquifer data. Chester County Health Department has soil and geological information.

Concern raised about publicizing evacuation plans in the vicinity of Marsh Creek Lake as Park Road is only way out if a pipeline emergency occurred.

Township personnel will ask what caused Sunoco to discontinue with the HDD process in the Meadow Creek Lane area.

The easement agreements being discussed provide the following protections to the residents and the Township: defines the limits of the easements, obligates Sunoco to use good faith efforts in timing; requires a pre-construction meeting to work out all of the details; the Township will get copies of all of the permits Sunoco has to acquire; provides a plan/map for the aboveground pipeline markers; the pipelines have to be a minimum 5' below ground; requires a prime contact at Sunoco to address all issues; states the \$1,000,000 fee; Sunoco has to restore the surface of the road; Sunoco can't store equipment in the easement; no trenches are to be left open after the work day; sinkholes caused by the construction will be fixed; Sunoco has to provide proof of insurances; Sunoco will convey 38 Meadow Creek Lane to the Township.

The easement agreements are legal contracts; if Sunoco doesn't abide by or follow through (breach of contract), take them to court.

Sinkholes occur overtop construction or within 5-10' of the pipeline, which shouldn't impact private properties.

Concern raised regarding allegations in other townships that Sunoco is modifying the geological testing reports provided to them before submitting to the municipal authorities.

Concern raised of allegations that the Judge hearing the Marsh Creek drilling case previously worked for a Firm who represented Sunoco.

All typical services will be available – mail, trash, etc. Residents will be contacted by Sunoco the day before their specific access may be restricted, for a 4-hour period. Emergency issues over the weekends should be called in to 911 and the police will have contact information.

Any outstanding questions from tonight will be emailed to tonight's attendees and answers stated at the November 5 Special Meeting.

Sediment control and dust mitigation measures will be addressed with Sunoco at the pre-construction meeting. There are several methods available depending on the temperature, and these will be short trenches, which will be helpful.

Construction on the pipeline can occur within the Noise Ordinance regulations: Monday-Friday 7:00 AM – 7:00 PM; Saturdays 9:00 AM - 5:00 PM. Allowing or prohibiting bringing in lighting to work until 7:00 PM after dark is not included in the agreement but can be added.

The easement agreements have been negotiated because the majority of the Meadow Creek Lane residents who would be impacted by the pipeline construction did not want it going through their front yards and asked the Township to allow it in the road if it had to be constructed.

Mrs. D'Amico thanked everyone for attending this evening, thanked Senator Muth and Representative Friel-Otten for their partnership, stated they anticipate taking a vote on the easement agreements at the November 5 Special Meeting and that a Zoom link for that meeting will be sent to tonight's attendees. She adjourned the meeting at 9:03 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary