



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

SPECIAL MEETING

SUNOCO PIPELINE EASEMENT AGREEMENTS
-- MEADOW CREEK LANE

November 5, 2020

7:00 p.m.

Approved

LOCATION: This was a virtual meeting, held via Zoom video/audio conferencing, 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

Rhys Lloyd, Building Code Official

Kristin Camp, Esq., Township Solicitor

Dave Leh, P.E., Township Engineer

Mrs. D'Amico called the meeting to order at 7:01 p.m., led the Pledge of Allegiance and offered a moment of silence. No one planned to audio or video record the meeting other than the Township for minutes preparation purposes. In addition to Township personnel, there were 12 citizens in attendance.

Mrs. D'Amico explained that this is the final meeting on the Meadow Creek Lane easements and at the end of the meeting, the Board intends to take a vote on the easements. Kristin Camp will review the legal issue that delayed the vote until this evening, Tony Scheivert will provide updates/answers to outstanding questions from the October 26, 2020 Special Meeting, and after a Motion is moved and seconded, comments will be taken from Township residents, limited to two minutes per person. Residents should identify themselves and their address.

The Township negotiated these easements with Sunoco/Energy Transfer for construction of 2 pipelines within Meadow Creek Lane as the residents did not want the pipeline running through their front yards.

Kristin Camp explained that the Township received an email October 26, 2020 that suggested there was a State statute that could prevent Sunoco from condemning the right-of-way through Meadow Creek Lane. She analyzed the Statute, a Business Corporation Law, discussed it with several colleagues and it is their opinion that the section of the Business Corporation Law that was cited doesn't prohibit condemning land to install pipelines to transmit petroleum products. If the Township doesn't willingly approve the easement, Sunoco can condemn it within the public roadway. Sunoco has been confirmed as a public utility.

Tony Scheivert provided responses to 12 questions that weren't answered October 26, 2020.

1. Meadow Creek Lane residents are serviced by public water so the open trench construction will not disrupt private water wells.

2. Contractors working at the site might not have company identification on their personal vehicles, however, all non-Michels vehicles will be parked within the work zone or somewhere on the right-of-way of the street.
3. No drill heads were lost during the HDD work previously done in this area.
4. The open trench construction will go from in Meadow Creek Lane, down the right-of-way on 38 Meadow Creek Lane and connect to the location already installed at the rear of the property.
5. The septic system at 38 Meadow Creek Lane was not damaged; however, the easement requested by Sunoco was too close to the replacement septic field area and the property owners did not want a replacement septic field in their front yard.
6. Sunoco changed its original route in this area as the first contractor encountered difficulties during drilling of the permitted 16" pipeline on the original alignment and it was decided to switch to an open cut method through this portion. Due to the proposed PA Turnpike expansion and Sunoco's desire not to utilize private property of the residents of Meadow Creek Lane, it was decided to propose to the Board of Supervisors the use of the open cut method in Meadow Creek Lane.
7. Recent activity on Styer Road was the installation of the pipeline that will connect with the pipeline to go through Meadow Creek.
8. We can review geological reports submitted by Sunoco to DEP in response to the spill at Marsh Creek. There are no geological reports for the Meadow Creek Lane cartway.
9. As Sunoco Pipeline has in other areas of the project, if earth features (sinkholes) develop through Sunoco Pipeline's operations, Sunoco Pipeline would immediately respond and address them.
10. Conditions and temperatures will dictate how dust is mitigated. Water may be used if temperatures permit. Besides water, Sunoco will be using street sweepers and, when necessary, a product called "gorilla snot". Gorilla snot is an eco-friendly, biodegradable copolymer that Sunoco has used on other worksites, with good results, to suppress dust at the source before becoming an issue.
11. There will be lights used on this project as Sunoco will be permitted to work until 7:00 p.m. on Meadow Creek Lane.
12. The noise from the operation of the pumping station that Senator Muth commented on was from a 4-hour leak test that Sunoco had made the Township aware of beforehand.

Jenn Baxter moved to approve the easement agreement with Sunoco/Energy Transfer. Jamie Goncharoff seconded. The public comment period was opened.

Tammy Krumbhaar of 36 Meadow Creek Lane commented she has no faith in Sunoco in controlling dust from construction as they haven't controlled it over the last 3 years while working at 38 Meadow Creek Lane. She commented that there are all kinds of vehicles in and out of 38 Meadow Creek Lane driveway and right-of-way at various times, not just during the workday; there has been vandalism.

Sandy D'Amico called for the vote. All were in favor; the Motion carried unanimously.

Mrs. D'Amico thanked everyone for participating this evening. She reiterated that this was not an easy decision. The Board wouldn't have chosen to run a pipeline in this area but they did the best they could to provide as many protections and conditions as possible for the residents and minimize the impact to the residents and the township.

Mrs. D'Amico adjourned the meeting at 7:19 p.m.

Respectfully submitted,
Gwen A. Jonik
Township Secretary