

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF REGULAR MEETING  
APRIL 8, 2019

The meeting was called to order at 7:30 p.m. by Chairman Bill Miller and the Pledge of Allegiance was recited.

Present: Supervisors: Bill Miller, Mayme Baumann and Kim Doan; Township Manager Doug Hanley; Assistant Township Manager Scott Greenly; Building Inspector/Zoning Officer Tom Cooke; Assistant Zoning Officer Tara Giordano; Township Secretary Katie Churchill; Township Treasurer Susan Bernhard; Fire Marshal Mike Holmes; Lieutenant Maureen Doyle; Township Engineer Dan Daley and Township Solicitor Mark Freed.

The Board announced that tonight's meeting is being recorded and if audible, will be posted on the Township's website. In the future, the Board members are hopeful that the meetings will be streamed live.

Minutes: *Mrs. Baumann made a motion to approve the Minutes of March 18, 2019 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

REPORTS:

Police: Lieutenant Doyle reported that there were 214 traffic citations issued, 40 traffic accidents and 9 criminal arrests during the month of March. Motor Carrier details conducted resulted in 4 trucks and 1 driver taken out of service.

There was one incident where Narcan was administered.

Treasurer: Ms. Bernhard has submitted her report for the month of March. The following is a list of revenues and expenditures:

<u>Fund</u>	<u>Revenues</u>	<u>Expenses</u>
General	\$548,443.29	\$831,988.49
Hydrant	12,603.19	9,900.00
State Liquid Fuel	638,091.44	41,112.44
Sewer	113,800.57	278,615.38

To date, the Township has collected approximately 23% of its budgeted revenues and spent about 23% of its budgeted expenditures.

Public Works: Mr. Greenly reported that for the month of March the Public Works Department removed stairs and concrete at Martin Park in preparation for new stairs and walkway; repaired street signs ; cleared brush at Eagleview Wastewater Treatment Plant; repaired sinking area above sewer line on Balderston Dr.; marked for PA One Call; performed weekly meter checks and monthly grease trap checks; and performed general maintenance of vehicles.

He also reported that for the month of March the daily average flow to Downingtown was approximately 2.07 million gpd and there were no sewer connections to either Plant. The Township has received 5.64 inches of rain during March with a year-to-date surplus of 4.83 inches.

Fire Marshal: Mr. Holmes reported that during the month of March he responded to 9 fire calls during regular work hours; assisted the Road Department with plowing; conducted 20 fire inspections; investigated 2 open burn complaints; and reviewed plans for commercial buildings and inspected those under construction.

Lionville Fire Company: Mr. Holmes reported that the Fire Company answered 48 alarms during the month of March, 22 of which were in Uwchlan Township.

Uwchlan Ambulance Corps: No one was present.

Historical Commission: Mrs. Gaines, Chairperson of the Historical Commission, announced that the Uwchlan Township Historical Commission, in conjunction with the Chester County Historical Society, will be hosting a Town Walking Tour of S. Village Ave. on July 11<sup>th</sup> from 5 p.m. - 8 p.m. Parking and refreshments will be available at the Lutheran Church located on S. Village Ave. Overflow parking will be offered at the Day Care lot, which backs up to S. Village Ave. They expect approximately 150 people to attend.

*Mrs. Baumann made a motion to approve the Walking Tour on July 11, 2019, as presented and Mr. Miller seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

*Mrs. Baumann made a motion to accept the Reports as submitted and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

Sunoco: Request Temporary Closure of Devon Dr. to Support Pullback Request for a Noise Ordinance Waiver During Pullback Activities

Dan Daley reported that last Friday the Township received a letter from Energy Transfer/Sunoco requesting permission to temporarily close Devon Dr. for approximately 39 straight hours beginning around May 6<sup>th</sup> in order to accomplish the final pull back of pipes from Whitford Rd. up to Carlton Place. In order to do this, the Township would need to grant a Noise Ordinance waiver and close off a portion of Devon Dr. Detour signs will be placed accordingly.

Mr. Daley noted that the School District Transportation Company along with Emergency Services personnel were asked how large an impact this closure would be to their operations. All agreed that, if given ample notice, arrangements can be made so as not to create too much of an impact.

A Representative from the Michels Corporation, the current contractor on the pipeline project, stated that it is industry practice to do the operation all at once, with no stop and start. Historically, the pullback can be accomplished in 3-4 days, if work is done non-stop. Every time you stop the work, the percentage of the pipe failing goes up, possibly adding 220 days more to the project to correct the failure. If work were to be done during normal work hours, this same process would take about 15 days.

The Representative continued by stating that those families within a certain distance from the work area along Devon Dr. from Concord Ave. to Colonial Dr. will be offered other accommodations during the 3-4 days. Ivana Wolfe, Public Relations for Sunoco, agreed that they would accommodate those most impacted during the 3-4 days.

Regarding any questions on this issue, Mr. Miller stated that once the Board members asked their questions, the floor would be open, first to those immediately impacted by the road closure and then to other residents. Mrs. Baumann then read the following statement:

We are aware that this situation is a lose-lose proposition for our residents here in Uwchlan Township. Whether or not we grant these requests, our residents will still be subjected to inconvenience, noise, vibration, dust, property damage, and stress from loss of their peace, privacy, and even the ability to sell their homes and move if they choose, because of the Mariner East pipeline construction activity in their neighborhoods and in their backyards.

Uwchlan Township residents have dealt with the disruption of this construction project in their community for nearly two years, and we are not sure when this project will end. The pain and inconvenience of construction activity is usually a trade-off for some long-term benefit. But that is not the case here. Uwchlan Township residents will not benefit from consequences of this project, of which they have been forced to endure. In fact, once construction is complete, our community members will only continue to carry the burden of increased risk while living, working, and playing in the close proximity of multiple NGL pipelines owned and operated by a company that has unfortunately, but deservedly, earned the public's mistrust.

This is a difficult situation, and whatever decision we make will not provide a perfect outcome. Our goal in deciding whether or not to grant these requests is only to try to minimize the disruption of further construction activity, and to maximize the possible safety of the residents in our community.

Mrs. Baumann then asked what the diameter of the bore hole is and if ground water affects the stability of the pipeline. The Michels representative stated that ground water does not affect stability. The Michels representative and Ron Cummings, from Sunoco, confirmed that the bore hole is 42" in diameter. Two pipes, one 16" pipe and the other a 20" pipe will be pulled back through the one bore hole. Mrs. Baumann was also concerned with the noise being created non-stop for those 39 hours.

Mr. Miller commented that he has read the Report provided by Energy Transfer, which outlines the project, but still has the following questions/comments:

1. What is the risk of bore hole collapse during pullback?
2. How is risk related to time?
3. Radius around site where families will be offered alternate accommodations is too small.
4. Will there be a food stipend for those families? Accommodations for pets?
5. Appreciates the representatives coming to the meeting but does not think enough advance notice was given for the Board to make an educated decision regarding the request.

The Michels representative acknowledged the questions, but deferred to Sunoco for answers since he could not speak to percentage of risk, failure, etc.

Mr. Miller stated he is a "numbers" guy and does not feel he has enough information. He also asked that the primary sources of all the citations noted in the Report be given to the Board.

Mr. Miller announced that the Board members are not prepared to make a decision at this time regarding the Devon Dr. pullback request. Many in the audience clapped.

Many residents were in attendance and voiced the following concerns:

1. The idea of two pipes being pulled through the bore hole all at once was never shared before.
2. Residents have been treated terribly by Sunoco – they must be held accountable for abusing the Community.
3. This pipeline project does not benefit any of the residents. When will they be out?
4. No one can use their backyards due to noise. Residents have had to make too many sacrifices.
5. Why were they ever allowed to come in to the Community?
6. Houses shake. Diesel fumes overwhelming. Structural integrity of homes affected. Will Sunoco take responsibility? Ms. Wolfe stated that if foundations are affected, residents should contact their Land Agent.
7. Sunoco personnel are bullies. They don't care what they are putting the residents through.

8. Since the pipes have been laying on the ground for awhile, can they become compromised? Will they be re-inspected before pullback? The Michels representative stated that the pipes will be re-inspected and the coating on the pipes will be looked at.
9. Why hasn't the Township hired professional consultants to help with determining what is safe. Mr. Miller says the Board needs to determine what type of consultants are needed. The Township was only notified on Friday of this request, allowing no time to hire experts.
10. Last month, there was a request for permission to hold a weekend festival at a local church. Work related to the festival would need to occur during overnight hours. For this reason, the Board denied the request. Why would the Township even consider the 39 hours straight now?

Martin Adrejko, member of the Township Environmental Advisory Council and someone who has worked in Risk Analysis, noted that accomplishing the pullback all at one time makes technical sense to him.

There were several other residents in the audience who agreed that they just want Sunoco out of the neighborhood as soon as possible and were not opposed completely to allowing them to work the 39 hours straight to accomplish that.

The Board was not willing to make a decision on the request at this time. Mr. Freed stated that Township staff can make a decision without another Board meeting, although, Mr. Miller said a Special Board Meeting could be held.

Ron's Bar & Grille – 74 E. Uwchlan Ave.: Request for Steve Hiscox Cars and Coffee – May 18<sup>th</sup> , July 20<sup>th</sup> & September 21<sup>st</sup> – 9:00 a.m. - 11:00 a.m.

Ron Inverso requested the above dates for the recognition of Steve who recently died of cancer.

*Mrs. Baumann made a motion to approve the request and Mr. Miller seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

Achievement House Cyber Charter School: Request for Car Wash at 600 Eagleview Blvd.

Representatives from the School have requested permission to hold the car wash on May 11<sup>th</sup> from 11 a.m. - 1:30 p.m. Permission was obtained from the owner of the property.

*Mrs. Baumann made a motion to approve the request and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

Uwchlan Hills Elementary School: Request to Work on Sundays

Mrs. Giordano stated that the site contractor has requested permission to work on Sundays, if needed. The School District is on a tight time frame to complete the new school on Peck Rd. Since they won't be working every Sunday, they will be in contact with the Township Building Department on an as needed basis.

Construction will be limited to 10:00 a.m. - 5:00 p.m. on Sundays.

*Mrs. Baumann made a motion to approve the School District's request to work on Sundays at the Uwchlan Hills School site, when needed, contingent on Township staff being notified the Friday before and provided that work occurs only between 10:00 am and 5:00 pm. Motion is also contingent on Township receiving no complaints regarding this issue. If the Township receives a complaint, this item will be revisited. Mr. Miller seconded the motion and asked for public comment. There being none, the motion was carried. Dr. Doan abstained.*

Rudy Ducharme – 165 Oak Street: Final Plan Submission

Mrs. Giordano presented the simple subdivision plan for 165 Oak St., which is located in the R-1 Zoning District. Mr. Ducharme, Owner of the property, would like to create a new lot, approximately 33,700 s.f. in size, to the rear of his property. This lot would front on Woodland Dr. and have access to public water and sewer. This plan was presented to the Planning Commission members who recommended Applicant move forward with Final Plan submission.

*Mrs. Baumann made a motion to accept the Final Plan Submission for this simple subdivision and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

Environmental Advisory Council: Request for Spring Resource Event – May 11<sup>th</sup> , 11 am – 2 pm

Laura Obenski, Member of the Environmental Advisory Council, announced that they will be holding an outdoor event at the Township building on May 11, 2019. Building will be open for use of restroom facilities.

*Dr. Doan made a motion to approve this event and Mrs. Baumann seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

Environmental Advisory Council: Youth Passport Program

Laura Obenski announced that the Council has instituted a program whereby the youth in Uwchlan Township are encouraged to perform environmentally friendly activities. They are asked to complete challenges outlined in a pamphlet available at the Township building. Those participating will be recognized at a later date.

The Board members gave their “OK”.

Amended Resolution No. 2019-05: Liquor License

The original Resolution was adopted on February 11, 2019. This Resolution amends the Applicant’s name to “Eagleview Sushi, LLC”.

*Mrs. Baumann made a motion to adopt the amended Resolution No. 2019-05 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

Resolution No. 2019-09: Plastic Bags

This Resolution urges retail businesses and residents to help reduce the use and environmental impact of single use plastics in Uwchlan Township.

Charles Kalemjian, member of the Planning Commission, asked how the Township intends to enforce this. It was explained to him that it is not a requirement but a commitment to reducing the use of plastic bags. This isn’t a ban. Is the Township notifying retailers? Yes, there will be an active outreach to those retailers located in Uwchlan Township.

Heather Dunghe, a Resident, asked if there would be any incentives offered to retailers to limit plastic bag usage. Mr. Miller stated that this Resolution is just the beginning.

*Mrs. Baumann made a motion to adopt Resolution No. 2019-09 and Dr. Doan seconded. Mr. Miller asked for public comment. There being none, the motion was carried unanimously.*

ANNOUNCEMENTS:

1. 04/11 – Historical Commission – 7:30 pm – Cadwalader House
2. 04/17 – Environmental Advisory Council – Spotted Lantern Fly Presentation – 6:30 pm
3. 04/18 – Comprehensive Plan Meeting – 3:00 pm
4. 04/22 – Uwchlan Township Industrial Development Authority – 8:45 am
5. 04/24 - Zoning Hearing Board – 7:00 pm – 100 Princeton, Side Yard Variance for Garage
6. 05/01 – Planning Commission – 7:30 pm
7. 05/06 – Park & Recreation Committee – 7:30 pm
8. 05/09 – Historical Commission – 7:30 pm – Cadwalader House
9. 05/13 – Board of Supervisors – 7:30 pm

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENT

There being no other business, Mrs. Baumann made a motion to adjourn the meeting at 9:54 p.m. and Dr. Doan seconded. The motion was carried unanimously.

Respectfully submitted,

Katie Churchill  
Township Secretary

/jc