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April 3, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Meghan Flynn, et al. v. Sunoco Pipeline L.P.; Docket Nos. C-2018-3006116
and P-2018-3006117; **SUNOCO PIPELINE L.P.'S ANSWER
OPPOSING INTERVENTION OF EDMONT TOWNSHIP**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Sunoco Pipeline L.P.'s Answer Opposing Intervention of Edgmont Township in the above-referenced proceeding.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,

Thomas J. Sniscak
Kevin J. McKeon
Whitney E. Snyder
Counsel for Sunoco Pipeline L.P.

WES/das
Enclosure

cc: Per Certificate of Service
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:		
ROSEMARY FULLER	:		
MICHAEL WALSH	:		
NANCY HARKINS	:		
GERALD MCMULLEN	:		
CAROLINE HUGHES and	:		
MELISSA HAINES	:		
	:	Docket Nos.	C-2018-3006116
Complainants,	:		P-2018-3006117
	:		
v.	:		
	:		
SUNOCO PIPELINE L.P.,	:		
	:		
Respondent.	:		

**SUNOCO PIPELINE L.P.’S ANSWER OPPOSING
INTERVENTION OF EDMONT TOWNSHIP**

Pursuant to 52 Pa. Code § 5.66,¹ Sunoco Pipeline L.P. (SPLP) submits this Answer Opposing Edgmont Township’s March 14, 2019 Petition to Intervene in this proceeding because the Petition is untimely, requires the consideration of issues well-beyond the scope of the Amended Complaint, and Edgmont Township has not shown its interests are not adequately represented.

1. On November 19, 2018 Complainants filed the Complaint and Petition.
2. On December 20, 2018 Complainants filed an Amended Complaint.
3. Edgmont Township filed a Petition to Intervene on March 14, 2019.

¹ SPLP notes that it is not required to specifically answer the allegations within a petition to intervene, and any such allegations are not deemed admitted by SPLP’s non-response. Compare 52 Pa. Code § 5.66 (“party may file an answer to a petition to intervene within 20 days of service, and in default thereof, may be deemed to have waived objection to the granting of the petition. Answers shall be served upon all other parties.”) with § 5.61(b)(3) (as to form of answers to complaints, answers must “Admit or deny specifically all material allegations of the complaint”).

4. Edgmont Township's Petition is untimely. It was filed 115 days after the Complaint.

5. Edgmont Township does not allege its Petition was timely filed.

6. 52 Pa. Code §§ 5.74 and 5.53 require a petition to intervene in a proceeding be filed within 60 days of the initiating pleading in a proceeding, absent "good cause shown."

7. Edgmont Township's Petition was untimely because it was filed 115 days after the Complaint and Edgmont Township has not averred good cause for allowing untimely intervention.

8. The December 20, 2018 amendments to the Complaint did not extend the time for interventions. Even if there was a Commission regulation that extended the time for intervention based on an amendment to a pleading, which there is not, SPLP notes that Edgmont Township's Petition to Intervene would still be untimely, as it was filed 84 days after the Amended Complaint was filed. There is no Commission regulation that extends the time for intervention when an amendment to a pleading is filed. A petition to intervene is due 60 days from an initiating complaint. 52 Pa. Code §§ 5.74 and 5.53.

9. In contrast, the Commission's regulations expressly extend the answering time period when an amended pleading is filed to require an answer within 20 days of the amended pleading. 52 Pa. Code § 5.65(a). The presence of a specific Commission regulation that extends the time for an answer in the event of an amended pleading coupled with the absence of any Commission regulation regarding intervention and amended pleadings means that the Commission has not changed the time period for intervention in the event of an amended pleading. *See, e.g., Popowsky v. Pennsylvania Public Utility Com'n*, 869 A.2d 1144, 1159 (Pa. Cmwlth. 2005) (the inclusion of a specific matter in a statute implies the exclusion of other matters).

10. To allow untimely intervention, the petition to intervene must show good cause. 52 Pa. Code § 5.74.

11. Edgmont Township fails to even allege good cause for allowing it to intervene out of time in this proceeding. There is no good cause to allow Edgmont Township to intervene out of time and its Petition should be denied. Moreover, upon information and belief, Edgmont Township knew about the Complaint and considered legal involvement with the Complaint no later than January 7, 2019. Upon information and belief, Ms. Rosemary Fuller, one of the named Complainants, provided public comment to the Township regarding the contents of the Complaint, and asked the Township to join in the case by first requesting the a “letter of support.” A copy of the Township’s January 7, 2019 meeting minutes is attached as Attachment A. The Board went on to state that they “would review her filing and determine if it would support the Complaint.” *See* Attachment A. The Complainants, on February 12, 2019, further requested the township “needs to have a seat at the table” to address the concerns directly. A copy of the Township’s February 12, 2019 meeting minutes is attached as Attachment B. Therefore, Edgmont Township knew about, considered, yet actively chose not to file its petition to intervene within the 60-day period described in 52 Pa. Code §§ 5.74 and 5.53, and rather filed an untimely Petition to Intervene without good cause. Edgmont Township’s Petition to Intervene, in light of their interaction with and knowledge of the case, should be denied.

12. Edgmont Township’s Petition to Intervene should also be denied because it requests relief well beyond the scope of the Amended Complaint and that which is outside the law and applicable PHMSA regulations.

13. Edgmont Township requests relief beyond the scope including:

- a. A full and complete incident response plan which would address practical and/or viable worst case scenario evacuation routes to be*

- developed in conjunction with the Township, emergency personnel and potentially impacted Township shareholders;*
- b. Enhanced and updated Safety Training coupled with State of the Art Emergency Response Equipment provided to First Responders of the Township;*
 - c. Relocation of any "new pipelines" to a distance away from existing residences and infrastructure equal to or greater than the Potential Impact Radius of a compromised pipeline;*
 - d. Installation of an automatic shutoff valve at the entry and exit points of the Township boundaries and any other locations within the Township to maximize resident safety and minimize any potential catastrophic impact;*
 - e. Installation of release detector instruments at safe intervals along the pipeline to be provided, installed and maintained by the Respondent as well as adequate and appropriate training to Township First Responders related to the same;*
 - f. Increasing the frequency of in line and hydration testing to a minimum of yearly with all of the testing results provided to the Township within 30 days of completion;*
 - g. Mandatory reporting by Respondent to the Township of any and all pipeline incidents including but not limited to damaged pipeline coating, breaks, leaks, spills, incidents, inadvertent returns or any such similar occurrences even if no product is released;*
 - h. Mandatory infusion of additives into the product being moved through the pipelines that would emit an odor and distinctive coloration that would be easily detectable by those in close proximity to the pipeline as well as electronic sniffing equipment;*
 - i. Expansion of the "impacted" areas surrounding the pipeline for possible installation of alternative water supplies;*
 - j. Production of any and all studies immediately related to the impact of the pipeline on natural water supplies including aquifers serving the Township residents;*
 - k. Providing the Township with any and all pipeline incident reports even if no product is released including but not limited to operator error, damaged pipeline coating and inadvertent returns or releases within 7 days;*
 - l. Adherence to Township regulation related to the use and/or installation of temporary water facilities to residents and/or landowners;*
 - m. Any and all other available safety measures to ensure the health, safety and welfare of Township Residents and First Responders as are reasonable and appropriate;*

(emphasis added).

14. In contrast, the Amended Complaint in this proceeding raises issues regarding SPLP's public awareness program, emergency response program, and attempts to raise an issue regarding SPLP's integrity management program. The Amended Complaint does not raise issues of relocation of pipelines, installation of boundary specific cut-off points, providing equipment to first responders, redefining impact classifications, and water supplies. The Petition seeks relief that would require consideration of issues *well-beyond the scope* of the Amended Complaint. That is not a proper basis for intervention. See 52 Pa. Code § 5.72(a)(2) (requiring an interest that may be directly affected by the proceeding). In the event, the petitioner is granted intervention (which it should not be granted) its participation should be limited to existing issues and its attempt to inject new issues late in the process should be rejected under the clear Commission regulation and caselaw on this point.

15. The Petition also seeks relief improperly outside of the Pennsylvania rulemaking process (The Commonwealth Documents Law and the Regulatory Review Act) and essentially would re-write federal regulations and establish new standards. The additional or new relief Petitioner seeks to inject into this proceeding² is far afield of what federal regulation require of SPLP and is simply relief that the Commission cannot order,³ and pursuit of such issue is a waste of the money and time of the Township, SPLP and the Commission's resources. Intervention is not proper to seek relief that is beyond the power of the Commission to order or to illegally attempt

² Examples include a regulatory requirement to install an alarm system, installation of Township boundary automatic shutoff valves, mandatory reporting to the Township, mandatory infusions of additives and colorants, that SPLP provide equipment to first responders, or the installation of "alternative water supplies." These are not required by governing PHMSA regulations or applicable State Regulations.

³ The Commission may adopt additional or more stringent pipeline safety regulations than 49 C.F.R. Part 195 regulations "only if those standards are compatible with minimum standards." 49 U.S.C.A. § 60104(c). The Commission has not established any relevant regulations and after-the-fact subjective interpretation of 49 C.F.R. Part 195 is therefore inconsistent with the Pipeline Safety Act and should be preempted. In addition, finding a violation based on an after-the-fact subjective interpretation instead of the plain terms of the regulations violates SPLP's due process rights.

to adopt standards that should only be set by a rulemaking process and conformance to federal law. If allowed to intervene, these new issues raised by the Petitioner should not be permitted under the above-cited Commission regulation and caselaw.

16. Edgmont Township's Petition to Intervene should also be denied because it has failed to show that its interests are not already adequately represented in this proceeding. 52 Pa. Code § 5.72 (a)(2); *see generally* Petition to Intervene.

17. Indeed, Edgmont Township merely states its interest "is not currently and cannot be adequately represented by any other party." Petition to Intervene at ¶ 22. However, 52 Pa. Code § 5.72(a)(2) expressly provides that to intervene, petitioner must possess "an interest which may be directly affected **and which is not adequately represented by existing participants.**" *Id.* (emphasis added). Edgmont Township has not provided any reason or support for the notion that their interests are not adequately represented by existing participants. Accordingly, Edgmont Township's Petition to Intervene should be denied on this basis as well.

18. SPLP notes that if Edgmont Township is nonetheless granted intervenor status, late filed intervenors must take the case as it is and cannot expand the scope of the proceeding. *See Com., et al. v. Energy Services Providers, Inc. d/b/a PaG&E, Order Granting Petition to Intervene*, Docket No. C-2014-2427656, 2015 WL 1957859 (Order entered Apr. 23, 2015) (Cheskis, J.) ("In granting intervention, however, Mr. Sobiech will be required to take the case as it currently stands. PaG&E is correct that intervenors generally take the record as they find it at the time of intervention."). Even if intervention is allowed, Edgmont Township cannot pursue issues beyond the scope of the Amended Complaint.

WHEREFORE Sunoco Pipeline L.P. respectfully requests Edgmont Township's Petition to Intervene be denied.

Respectfully submitted,



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Dated: April 3, 2019

Attorneys for Respondent Sunoco Pipeline L.P.

ATTACHMENT A

**EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
January 7, 2019**

Work Session – Members of the Board of Supervisors, Township Solicitor, Township Engineer, and Township Manager attended an advertised work session, which commenced at 6:00 p.m. Those in attendance generally discussed items on the agenda. No action was taken.

--At this time the Township Solicitor was excused and exited the meeting--

--At this time the Special Solicitor for Sunoco Matters entered the meeting--

Public Comment -- 7:00 p.m.:

- **Rosemary Fuller**, Middletown Township resident, appeared before the Board of Supervisors to request a letter of support from the Board of Supervisors for legal action she is taking against Sunoco before the Pennsylvania Public Utility Commission (PUC). Mrs. Fuller stated that she has received a letter of support from Westtown Township and expects others to follow. Mr. Gravina stated that the Board of Supervisors would review her filing and determine if it would support the Complaint. Mrs. Fuller thanked the Board for its time. There was no further discussion. No action was taken.
- **Karen Katz**, resident of Heather Hills Lane, asked the Board of Supervisors to seriously consider filing for Intervenor status before the PUC. Mrs. Katz stated that she understands that PUC's internal review board has directed Sunoco to look into retiring the older pipelines. Mrs. Katz stated that she repeatedly has felt that Sunoco doesn't give information honestly or up front. Mrs. Katz asked that the Township consider implementing some type of monitoring plan and asked that the Township publicize its emergency alert system. Mrs. Ricardo stated that the Township utilizes DELCO Alert, through the Delaware County Emergency Services Center, and it is advertised on the homepage of the Township website and in every Newsletter. Mrs. Katz stated that the emergency alert system may not be the best system to use in the event of an emergency because the static electricity could ignite any fumes near a leaking pipeline. Mr. Gravina stated that this is something the Township would pass on to the PUC and Sunoco for them to address. There was no further discussion. No action was taken.
- **Linda Yu**, resident of Middletown Road, stated that the Township needs to do its homework on the products being transmitted through Sunoco's pipelines. Ms. Yu stated that the products are odorless, tasteless, and cannot be seen with the naked eye, in addition to being under extreme pressure to keep them in a liquid form as they travel through the pipelines. There was no further discussion. No action was taken.
- **Michael Risser**, a resident of Middletown Road, asked that the Township communicate intermittent updates to the residents regarding Sunoco matters. Mrs. Ricardo stated that the Township maintains its website with updates in a special section called "Sunoco Mariner East Projects" and also in its Newsletter. Mrs. Ricardo stated that the Township is open to additional suggestions for communicating. There was no further discussion. No action was taken.
- **Lora Snyder**, a resident of Gradyville Road, stated that the District Attorney of Chester County has begun a criminal investigation into Sunoco and underscored the urgency of the Township taking action. There was no further discussion. No action was taken.
- **George Alexander**, a meeting attendee, stated that he was asked to attend by Karen Katz and stated that he utilizes the Canary Software which models consequences of a release or an explosion with transmission pipelines. Mr. Alexander stated that he would be happy to offer his

services to the Township for this modeling and left his contact information with the Township Manager. There was no further discussion. No action was taken.

--At this time the Special Solicitor for Sunoco Matters was excused and exited the meeting--

Pledge of Allegiance & Open Meeting: Mr. Gravina called the regular meeting to order at 7:50 p.m. with the Pledge of Allegiance. In attendance were Ronald Gravina, Chairman; Henry "Hank" Winchester, III, Vice-Chairman; James Hallam, Member; Michael Conrad, Township Engineer; and Catherine Ricardo, Township Manager. Kenneth Kynett, Esq., Township Solicitor and Thomas Comitta, Township Land Planner were absent. There were thirteen (13) guests.

1. **Public Comment:** There was no 'Public Comment' at this time.

2. **Minutes:**

- **December 11, 2018:** Mr. Gravina made a motion to approve the minutes from the December 11, 2018 regular meeting, as presented. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

3. **Treasurer's Report and Bill List:**

i. **Cash Escrow Releases:** Mr. Gravina announced that there are the following cash escrow releases as follows: \$1,250.80 to PECO Energy for return of HOP escrow for 15 Rock Hill Road, \$1,251.89 to PECO Energy for return of HOP escrow for gas connection to EPS3 (Dream Valley), \$250.00 to Edgmont Township for HOP fee for EPS-3, \$7,057.00 to Murphy Development for return of HOP, Grading, Temporary CO and Landscaping escrow, \$4,434.96 to The Darlington Group for return of HOP, Grading and Landscaping escrow. Mr. Gravina made a motion to approve the cash escrow releases in the amount of \$14,244.65 which are included as part of the Bill List. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

ii. **Bill List:**

a. **December 31, 2018:** Mr. Gravina made a motion to approve the expenditures dated December 31, 2018 in the amount of \$47,672.50 based on the December 28, 2018, bill list report as previously authorized for payment by the Chairman. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

b. **January 7, 2019:** Mr. Gravina made a motion to approve the bill list in the amount of \$109,211.42. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

4. **Manager's Report:** Mr. Gravina stated that reports were available at the meeting and at the Township building during regular business hours. Mrs. Ricardo highlighted the Manager's Report noting the following:

- **SUNOCO Mariner East II Pipelines: Remediation work on Valley Road:** Final remediation is on hold until the Spring. **Mariner East II Construction:** Currently, no restart date for HDD work in Edgmont has been determined. As of December 29th, Edgmont Township was notified that Mariner East II is in service, transmitting domestically produced ethane, propane, and butane east from its processing plants in Ohio across West Virginia and Pennsylvania to Energy Transfer's Marcus Hook Industrial Complex. In Edgmont, since MEII is not yet complete, the Point Breeze to Montello pipeline was repurposed for use in connection with this transmission. In December, the Board of Supervisors authorized JH Consulting, an Emergency

Management and Risk Assessment Company, to conduct a review of the Township's Emergency Operation's Plan which will be underway beginning at the end of January.

- **PennDOT Green Light Go Grant:** In 2015, the Township applied for and received a Green Light Go Grant from PennDOT to replace all its incandescent bulbs to LEDs. Unfortunately, due to PennDOT's slow progress on bidding the Township's project, much of the incandescent bulbs originally part of that project have been replaced at the Township's expense. However, through discussions with PennDOT, the Manager has been able to negotiate the installation of a new generator cabinet at the Rock Ridge Road intersection with West Chester Pike to make use of the grant funding not being use for the remaining LED replacement. This project is expected to take place in the first quarter of 2019.
- **Rose Tree Media Capacity and Demographic Study:** Rose Tree Media School District hosted its public presentation of its Demographic and Capacity Study on Thursday December 13th at 6:00 p.m. in the Penncrest High School Library. Over 60 residents attended and listened to a presentation on the Study that indicated that due to many new housing developments within the district, student enrollment is expected to increase substantially during the next five years. The district will continue to welcome input from the community to bring forward ideas and strategies to serve the additional students.
- **Water Pipe Freezing Tips:** Aqua has the following guidance for reducing water pipe freezing during prolonged periods of frigid weather. Keep a supply of heat tape and pipe insulation on hand, locate and visibly mark the home's master water valve in the event a pipe does break you can turn it off via this valve, make sure all lids in outdoor meter pits are not broken or missing, shut off and drain any outside faucets including those for lawn sprinklers, prevent drafts in unheated areas, such as crawl spaces or basements by replacing glass or making other repairs. A small space heater in unheated areas such as basements can also keep exposed pipes from freezing.
- **World Water Day 2019:** On December 19th, Township Supervisor and Chairman Ron Gravina attended a roundtable discussion with representatives of other municipalities in the area to discuss an initiative of Lifetime Wells International to commemorate World Water Day on March 22, 2019. In 2018, the Township partnered with Rep. Chris Quinn, Thornbury Township, Media Borough, Upper Providence Township, Marple Township, Chester Heights Borough, and Middletown Township to uphold Lifetime Wells International's mission to provide people in all countries with clean water. More information on potential events to support this mission will be forthcoming.
- **2019 Township Calendars:** 2019 Township Calendars containing all of your elected and appointed Officials names have been mailed as of the end of 2018. If you have not received a calendar, extra copies are available at the Township Office. Please notify the Township Office if you did not receive one to make sure your address is on the mailing list correctly.

Mr. Gravina thanked Mrs. Ricardo for the report.

5. Old Business:

- a. **DELCORA Act 537 Plan Amendment:** Mrs. Ricardo presented a December 2018 letter from the Pennsylvania Department of Environmental Protection (DEP) requesting several responses

from DELCORA, including how they will address the previously stated concerns of Edgmont Township with infiltration and inflow (I&I) reduction. Mrs. Ricardo stated that DEP also outlined its own concerns with I&I reduction. Mr. Gravina stated that the Board of Supervisors would take no further action on this item at this time. There was no further discussion. No action was taken.

b. PSATS 97th Annual Conference: Mrs. Ricardo provided members of the Board of Supervisors with registration paperwork for the upcoming PSATS conference and asked for RSVPs on attendance no later than Monday, January 14th. There was no further discussion. No action was taken.

c. Zoning Hearing Board: There were no active applications to discuss.

6. New Business:

a. Film/Video Production Permit: Mr. Gravina stated that in recent years, the Township has been fortunate to be a location of several film productions, and with that sees value in overseeing certain health, safety, and welfare provisions of the film production process. Mr. Gravina stated that the Township has produced a permit application that addresses items such as temporary road closures, noise and crowd control, and other health, safety, and welfare items related to film production. Mr. Gravina directed Mrs. Ricardo to provide the Board of Supervisors feedback on the draft permit application and begin utilizing it with the Building Department. There was no further discussion.

b. Resolution 2019-8 – Eagle Scout Recognition of Patrick James Lawrence: Mr. Gravina state that he is pleased to announce that Patrick James Lawrence, Township resident, has achieved the honor of Eagle Scout through his project of enhancing a local trail in the Riddlewood community. Mr. Gravina made a motion to adopt Resolution 2019-8 in recognition of Mr. Lawrence’s achievements. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

7. Miscellaneous Discussion:

a. Knights Way Drainage Easement Survey: Mr. Gravina stated that as part of the recent improvements on Knights Way, the Township discovered that there are several easements that need to be mapped in the Runnymede Farms Community. Mr. Gravina made a motion to authorize the Township Manager to seek proposals from the Township Engineer and Alternate Township Engineer to plot this information for review and approval by the Board of Supervisors. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

b. White Horse Village Proposed Use: Mrs. Ricardo stated that the Township has been approached by White Horse Village for a potential new use of an adult day care at its premises. Mrs. Ricardo stated that the Zoning Officer reviewed the proposed use and advises that it is not currently allowable but recommends it may be a compatible use with the existing use on the site. Members of the Board of Supervisors agreed that the use, with regulations, would be a compatible use with White Horse Village and directed the Township Manager to communicate this position of the Board should White Horse Village choose to file a zoning petition to seek to amend the Zoning Ordinance. There was no further discussion. No action was taken.

c. Aqua Water Main Extension and Hydrants: Mr. Gravina stated that Aqua is planning a water main extension between the Enclave at Ridley Creek and the intersection of Gradyville Road and Middletown Roads and has asked for input from the Township for new hydrants along this route. Mrs. Ricardo stated that the Township Engineer and the Township Fire Code Official have reviewed the plans and offered their input for consideration by the Board of Supervisors.

January 7, 2019

Mrs. Ricardo stated that the recommendation includes two new hydrants and the relocation of one hydrant from the emergency access road of the Enclave at Ridley Creek to Middletown Road. Members of the Board agreed with the recommendations and directed the Township Manager to convey the new hydrant locations back to Aqua. There was no further discussion.

- d. **Radon Action Month:** Mr. Gravina stated that the Pennsylvania State Association of Township Supervisors (PSATS) has published an article which addresses the significant concerns related to radon in residential properties. Mr. Gravina stated that PSATS reports that Pennsylvania ranks among the states with the highest concentrations of unsafe levels of radon in the United States. Mr. Gravina continued that the PSATS report describes radon as the second leading cause of non-small cell lung cancer and that measures can be taken to abate the unsafe levels of this gas. Mr. Gravina stated that Township Staff will be presenting some solutions for the Township to address this public health concern at its February meeting. There was no further discussion. No action was taken.

8. Announcements:

- a. The **Board of Supervisors** will meet on **Tuesday, February 13, 2019, at 7:30 p.m.** with a work session beginning at **6:30 p.m.**
 - b. The **Planning Commission** will meet on **Monday, January 28, 2019, at 7:00 p.m.** with a work session beginning at **6:00 p.m.**
 - c. The **Board of Supervisors** and **Planning Commission** will hold a quarterly joint work session on **Monday, January 28, 2019 at 5:30 p.m.**
 - d. The **Zoning Hearing Board** will not meet in January as the applications for 3, 5, and 7 Knights Way and 1106 Stackhouse Mill Road have been continued indefinitely.
9. **Adjournment:** At 8:30 p.m., Mr. Gravina made a motion to adjourn the meeting. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

Respectfully submitted,

Catherine Ricardo, Secretary
Township Manager

ATTACHMENT B

**EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
February 12, 2019**

Executive Session – Members of the Board of Supervisors, Township Solicitor, and Township Manager attended an Executive Session, which commenced at 6:00 p.m. to discuss real estate. No action was taken.

–At this time the Special Solicitor for Sunoco Matters entered the meeting–

Work Session – Members of the Board of Supervisors, Township Solicitor, Township Engineer, and Township Manager attended an advertised work session, which commenced at 6:30 p.m. Those in attendance generally discussed items on the agenda. No action was taken.

Public Comment for Sunoco Matters - 7:00 p.m.:

- **Rosemary Fuller**, a Middletown Township resident, appeared before the Board of Supervisors to request a letter of support from the Township for legal action she is taking against Sunoco before the Pennsylvania Public Utility Commission (PUC). Ms. Fuller stated the Township did submit a letter about various concerns, however she guaranteed the Board would not get a response from the PUC if they don't reference a specific Complaint. Ms. Fuller stated her belief that Edgmont Township "needs to have a seat at the table" with the PUC to address concerns directly. Mr. Gravina stated that the PUC has responded to Township correspondence and the Township will continue to go through the proper channels to submit its concerns. Ms. Fuller stated that she has received a letter of support from other Townships, school districts, elected officials, and HOA's. Ms. Fuller continued on to quote sections of U.S. Title 35 and stated that Edgmont is responsible for maintaining and carrying out an emergency management plan. Mrs. Fuller asked how the Township plans to help residents in the case of an emergency. Ms. Fuller stated that felt emergency management plans need to be made site specific. There was no further discussion. No action was taken.

- **George Alexander**, a meeting attendee, appeared before the Board and stated he was one of the people who were trained in the software that was used for the first of the Risk Assessments, which modeled what would happen in the case of a pipeline emergency. Mr. Alexander continued that White Horse Village would be an area of concern for Edgmont Township due to the limited mobility of residents in that community. Mr. Alexander stated he would like to echo what Mrs. Fuller stated regarding "having a seat at the table" with the PUC. Mr. Alexander continued to discuss various petitions submitted by other municipalities and school districts which requested early warning detection systems and educational training in the case of an emergency. Mr. Winchester asked about the current detection system for determining a leak. Mr. Alexander stated Sunoco's only detection system currently is to measure the pressure in the pipeline. Mr. Alexander stated there is a company that sells sensors, flashing lights, and sirens to detect a leak, all of which he believes should be provided by Sunoco. Mr. Alexander thanked the Board. There was no further discussion. No action was taken.

- **Randy Bates**, a resident of Middletown Road and Edgmont Township Emergency Management Coordinator, appeared before the Board of Supervisors and stated he participated in a productive meeting yesterday with the Township Manager, Middletown, Thornbury, Chester Heights, and Concord Townships, where they discussed their Emergency Operation Plans (EOPs). Mr. Bates stated he has been thinking about the pipeline a great deal and has come up with an idea for an early detection system. Mr. Bates continued that they could put a pressure sensitive tube or system of some sort above the pipeline that would detect pressure and sound an alarm prior to the actual pipeline being compromised. Mr. Bates stated everyone is concerned about the pipeline and he has grandkids at Glenwood Elementary, however he

believes there must be a way to detect an issue before there is an actual leak. Mr. Bates stated the local Emergency Management Coordinators plan to meet quarterly to continue to discuss their EOPs and work towards solutions. Mr. Bates thanked the Board. There was no further discussion. No action was taken.

- **Linda Yu**, a resident of Middletown Road, appeared before the Board of Supervisors and stated she believes the pipeline should have sensors along the pipeline, not just at valve stations. Ms. Yu continued that Sunoco should also provide the Township with the distribution of sensor pressure to monitor the fluctuation of pressure in the pipeline. Ms. Yu asked what the rationale behind why Edgmont will not provide a letter to support the legal action Ms. Fuller is taking against Sunoco. Mr. Gravina stated that the Township continues to look at Sunoco issues, interact with the PUC, and will continue to apply pressure in the ways that have worked in the past. Mr. Gravina stated that the Township has seen results in the way things are done and the Township will continue to look at this request and make an educated decision as information is received and as advised by Township Professionals. There was no further discussion. No action was taken.
- **Karen Katz**, a resident of Heather Hills Lane, appeared before the Board of Supervisors and stated the residents do not trust Sunoco due to the amount of times that they have let them down. Mrs. Katz stated she believes there are a lot of things that can be done and the reason they are asking the Board to intervene is because, there is now a grass-root movement which has brought so many people, municipalities, and school districts together, and due to their efforts they have been able to accomplish some things and believe that the Township's participation will only help. Ms. Katz stated that in Edgmont there is a lot of concern for various areas of the Township where residents and visitors could fall victim to a pipeline accident. Mrs. Katz stated the normal course of action in dealing with Sunoco that the Township has taken for so many years hasn't worked in this case and that Sunoco may have been responsive in the past, however, currently there are so many issues the residents are dealing with in which Sunoco has not been responsive. Mrs. Katz stated they are concerned about their housing values, losing insurance, and the safety of the residents. Mrs. Katz stated that they are simply asking for the Township to try something they haven't tried before. Mrs. Katz stated those involved in the movement have done something different and as a result they have caused stoppages and even a ban on new permits. Mrs. Katz they are asking is for the Township to join them. There was no further discussion. No action was taken.
- **Lora Snyder**, a resident of Gradyville Road, appeared before the Board of Supervisors and stated she just wanted to thank Mr. Winchester for reaching out to her regarding Sunoco. Ms. Snyder stated she believes the Township is doing a lot more in terms of communication and she is appreciative. Ms. Snyder continued that she appreciates Mr. Bates comments and believes there does need to be some type of intervention. Ms. Snyder asked if there was going to be some type of work group with residents. Mr. Winchester stated he would like to suggest a working group to partner with residents. Ms. Snyder stated the residents have a number of resources and information and she believes working together could strengthen their efforts. Mr. Winchester stated he agrees collaboration will strengthen their efforts. Ms. Snyder thanked the Board. There was no further discussion. No action was taken.
- **David Psaris**, a resident of Birchwood Lane, appeared before the Board of Supervisors and stated he has not been as engaged in the Sunoco project as some of his neighbors, however, he is trying to get more involved. Mr. Psaris asked the Board what they need from the residents to help with Sunoco. Mr. Gravina stated the Township will continue to apply pressure on the PUC to take the necessary actions.
- **Jen Chillingworth**, a resident of White Horse Village, appeared before the Board of

Supervisors and stated the Board has the support of White Horse Village residents and if there is anything they can do to help with Sunoco they are happy to help. The Board thanked Ms. Chillingworth. There was no further discussion. No action was taken.

- **John Kolmansberger**, a resident of Antler Drive, appeared before the Board of Supervisors and stated he would first like to thank the emergency responders for their service. Mr. Kolmansberger continued that his biggest issue is that safety is the paramount issue and the moment Sunoco was deemed a public utility, he feels like they got a free license to do whatever they want. Mr. Kolmansberger continued that these issues need to be taken up with the Governor to rectify the situation. Mr. Kolmansberger thanked the Board. There was no further discussion. No action was taken.

—At this time the Special Solicitor for Sunoco Matters was excused and exited the meeting—

1. **Pledge of Allegiance & Open Meeting:** Mr. Gravina called the regular meeting to order at 7:50 p.m. with the Pledge of Allegiance. In attendance were Ronald Gravina, Chairman; Henry “Hank” Winchester, III, Vice-Chairman; James Hallam, Member; Kenneth Kynett, Esq., Township Solicitor; Michael Conrad, Township Engineer; Catherine Ricardo, Township Manager; and Lacey Faber, Assistant Building Department Administrator. There were twenty-two (22) guests.

2. **Public Comment:**

- **Lora Snyder, a resident of Gradyville Road**, asked if the old Fire House was sold. Mr. Gravina stated the property was sold and there is currently a sketch plan before the Planning Commission to develop the property. There was no further discussion.
- **Karen Katz, resident of Heather Hills Lane**, asked the Board of Supervisors if they can disclose the location for the new potential Rose Tree Media Elementary School. Mr. Gravina stated that the Board does not have any information to offer on this matter at this time.

3. **Minutes:**

- **January 7, 2019:** Mr. Gravina made a motion to approve the minutes from the January 7, 2019 Organization Meeting, as presented. Mr. Hallam seconded the motion. There was no further discussion and the motion passed unanimously.
- **January 7, 2019:** Mr. Gravina made a motion to approve the minutes from the January 7, 2019 regular meeting, as presented. Mr. Hallam seconded the motion. There was no further discussion and the motion passed unanimously.

4. **Treasurer’s Report and Bill List:**

a. **Cash Escrow Releases:** Mr. Gravina announced that there are the following cash escrow releases: \$5,000.00 to VCA Inc, VCA Animal Hospitals for return of Land Development escrow for 3921 Miller Road; \$3,015.85 to Ridley Creek Plaza for the return of Temporary CO escrow for 5129 West Chester Pike; \$4,594.23 to Glenn M. White Builders, Inc. for the return of Temporary CO escrow for Lot #2, HOP escrow, and accrued interest; \$16,375.00 to Frank C. Videon, Inc. for the return of lighting improvements, landscaping, and parking lot grading escrow for 4949 West Chester Pike, Videon Vehicle Storage Lot; \$2,386.20 to Violetta Calla and Courtney Richardson for return of grading and HOP escrow for the timber harvest activity at 1102 Forest Lane; and \$1,261.00 to Michael Gorman for return of grading escrow for 1685 Valley Road. Mr. Gravina made a motion to approve the cash escrow releases in the amount of \$32,751.16, which are included as part of the Bill List. Mr. Hallam seconded the motion. There was no further discussion and the motion passed unanimously.

- b. **Bill List: February 12, 2019:** Mr. Gravina made a motion to approve the bill list in the amount of \$226,033.30, which includes the cash escrow releases. Mr. Hallam seconded the motion. There was no further discussion and the motion passed unanimously.
5. **Manager's Report:** Mr. Gravina stated that reports are available at the meeting and at the Township building during regular business hours. Mrs. Ricardo highlighted the Manager's Report noting the following:
- **SUNOCO Mariner East II Pipelines: Remediation work on Valley Road:** Final remediation is on hold until the Spring. **Mariner East II Construction:** Currently, no restart date for HDD work in Edgmont has been determined. As of December 29th, Edgmont Township was notified that Mariner East II is in service, transmitting domestically produced ethane, propane, and butane east from its processing plants in Ohio across West Virginia and Pennsylvania to Energy Transfer's Marcus Hook Industrial Complex. Throughout January and up until current, Sunoco is conducting seismic testing in anticipation of completing its HDD work. The Township has also received notification that the sound curtains will be reinstalled on Meadow Lane, Valley Road, and Shepherd Lane sometime in the near future.
 - **Countywide Reassessment Project Update:** Tyler Technologies has been contracted by Delaware County to provide valuation services for the 2021 countywide reassessment project. During this phase of the project, Tyler staff will be visiting properties, measuring improvements, observing and noting all exterior building characteristics. Data Collectors can be identified by their day-glo work vests which bear the "TYLER" name on the back and by their Delaware county issued photo ID badge. At each property, data collectors will knock on the door before proceeding with data collection. If an adult is home, data collectors will ask a series of questions relevant to the property characteristics – such as room count, basement area, type of heating/cooling, date of last remodel, etc. They will never ask to be invited into the home.
 - **US Census 2020:** Township Staff have been working on preparations for the 2020 Census over the last year. With work well underway, many jobs are needed to be filled in Edgmont Township and around the County for Census workers. Census Workers perform a wide variety of tasks which can all be found on the Census website. Please consider this opportunity at 2020census.gov/jobs to serve your community.
 - **Winter Weather Reminder:** Please remember that Township regulations prohibit parking on Township roads and cul-de-sacs overnight. Cul-de-sac parking especially during winter weather events does not allow the Township Road Maintenance Contractor to properly clear these areas, inhibiting ability to navigate safely and slowing down overall snow removal to serve all streets. Please remember not to park in these areas especially during winter weather.
 - **World Water Day 2019:** On March 22nd at the Glen Mills School indoor track from 7pm-9pm, Rep. Chris Quinn is sponsoring in conjunction with Lifetime Wells International, Inc. the 2019 World Water Date Olympics. All public is welcome and encouraged to attend this event which will include a water bucket carry challenge relay race, water bottle flip challenge, and musical water balloon game. All activities are free to residents to help promote cleaning water around the world.

Mr. Gravina thanked Mrs. Ricardo for the report. There was no further discussion. No action was taken.

6. Old Business:

- a. Radon Remediation Building Code Amendments:** Mrs. Ricardo explained in January, the Board directed Township staff to consider initiatives to educate and protect residents from the dangers of radon gas. Mrs. Ricardo continued that after researching other municipal practices, and speaking to Richard Jensen, Construction Code Official, and Susan Sharp, Building Code Official, one of the proposals that was made was to incorporate Appendix F of the International Residential Code, Passive Radon Gas Controls, into the Edgmont Township Building Code. Mrs. Ricardo stated Appendix F was not adopted by the state as part of the Uniform Construction Code but may be available for adoption by municipalities as a stricter standard. Mrs. Ricardo continued that if the Township should choose to pursue adoption, the Department of Labor and Industry must approve the Building Code amendment. Mrs. Ricardo stated according to the Construction Code Official, many modern builders already follow these measures voluntarily, however many existing homes were not built with passive or active radon control measures. Mrs. Ricardo explained that people may be living in houses with elevated levels of radon and not know that radon is an odorless gas. Mrs. Ricardo continued to say in order to promote radon testing and subsequent mitigation, the Board should consider purchasing one or more radon detectors to lend to Township residents. Mrs. Ricardo stated residents would complete an agreement and put down a security deposit before they could borrow a unit for a predetermined period and the Township could then provide information on remediation should high levels be found. Mrs. Ricardo stated specifications for a home radon testing unit used and recommended by Amity Township, Berks County, who have a lending program for their residents sells for about \$180 on Amazon. Mr. Gravina stated he thinks is a great idea, however he does not believe the Township should get involved with storing and lending out equipment. Mrs. Ricardo stated they could still adopt the amendment to the building code without offering the testing equipment, however it needs to go to the Department of Labor and Industry to approve prior to adoption.

Mr. Gravina made a motion to authorize the Township Manager to send the proposed ordinance for passive radon gas control to the Department of Labor and Industry for review. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

- b. DELCORA Act 537 Plan Amendment:** Mrs. Ricardo explained at the Board's end of year meeting in 2018, a letter was sent to CDCA expressing the Township's objections to the optional time of resale inspection. Mrs. Ricardo stated that since that time, it has come to the attention of the Township that DELCORA submitted its 537 Plan amendment, without the sign-off from Edgmont, to the Department of Environmental Protection (DEP). Mrs. Ricardo stated DEP has issued a response letter, which among other things, asks for clarification on how Infiltration and Inflow (I & I) will be handled and how Edgmont's concerns will be handled. Mrs. Ricardo continued that at this time, DEP and Edgmont are waiting for a response from DELCORA. Mr. Gravina thanked Mrs. Ricardo for the update and stated Edgmont is not prepared to recommend the Act 537 Plan Amendment as presented at this time. Mr. Gravina continued that the Township will wait to see the response letter from DELCORA to the DEP. There was no further discussion. No action was taken.
- c. Emergency Operations Plan Update:** Mrs. Ricardo explained that JH Consulting completed a review of the Emergency Operations Plan as previously authorized by the Board of Supervisors. Mrs. Ricardo continued that based on the extensive nature of the review, the Board of Supervisors may want to consider authorizing the Township Manager to create an ad-hock committee which will be charged with making recommendations to the Board based on the review. Mr. Gravina asked if there were interested parties. Mrs. Ricardo stated she would suggest the members include the Emergency Management Coordinator and a representative

from the Fire Company. Mr. Gravina stated he agrees the Fire Department should be involved in the committee.

Linda Yu, resident of Middletown Road, asked if the results of the audit are sharable. Mr. Kynett stated the Emergency Management Plan will be sharable. However, the audit is not.

Mr. Gravina made a motion to authorize the Township Manager to form an ad-hoc committee to make recommendations about the Emergency Operations Plan to the Board of Supervisors based on the JH Consulting Review. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

d. Zoning Hearing Board: There were no active applications to discuss.

7. New Business:

a. Resolutions:

i. 2019-09 - County Aid Application: Mr. Gravina explained that every year the Township requests aid from the Delaware County for road paving. Mr. Gravina made a motion to adopt Resolution 2019-09 County Aid Application. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

ii. 2019-10 - Public Meeting Policy: Mr. Gravina explained that pursuant to the Pennsylvania Sunshine Act, governing bodies have the right to establish reasonable rules regarding the recording of public meetings to promote an efficient and orderly meeting. Mr. Gravina made a motion to adopt Resolution 2019-10 Public Meeting Policy. Mr. Hallam seconded the motion. There was no further discussion and the motion passed unanimously.

i. 2019-11 - General Fee Schedule: Mr. Gravina made a motion to adopt Resolution 2019-11 which revises the General Fee Schedule to establish permit fees for the new T.V., Film and Video Production Permit application, to amend the miscellaneous Building Permit minimum fee, and to establish fees for 8 1/2 x 14 and 11 x 17 sized copies. Mr. Hallam seconded the motion. There was no further discussion and the motion passed unanimously.

ii. 2019-12 - Tax Collector Exoneration: Mr. Gravina explained that every year the Township exonerates that Tax Collector from taxes that were unpaid from the prior year via resolution. Mr. Gravina made a motion to adopt Resolution 2019-12 Tax Collector Exoneration. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

iii. 2019-13 - Destruction of Certain Records: Mr. Gravina stated that in accordance with the policy and following the Municipal Records Schedule, the proposed resolution outlines specific records for which the Township will securely dispose of following its passage. Mr. Gravina made a motion to adopt Resolution 2019-10. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

b. Road Project 2019: Mrs. Ricardo explained to the Board that it is almost time for the Annual Road Inspection and they need to pick a date for the inspection. Mrs. Ricardo suggested April 1, 2019. Mr. Gravina, Mr. Winchester, and Mr. Hallam all stated they were in favor of April 1, 2019 at 8:00 a.m. There was no further discussion. No action was taken.

c. Valley Road Hidden Driveway Sign: Mrs. Ricardo explained on October 29, 2018, by letter to the Township, Norman MacQueen of 1436 Valley Road requested a "Hidden Driveway" sign be placed near his driveway due to increased traffic and safety concerns. Mrs. Ricardo stated PennDOT approved the request but noted that the Township would be responsible for the

purchase, installation, and maintenance of the sign. Mr. Ricardo continued that the Township has previously authorized these signs for placement, when approved by PennDOT.

Mr. Gravina made a motion to approve the purchase and installation of a W-11-103 Hidden Driveway sign and 400' plaque. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

- d. **3921 Miller Road Conditional Use Decision Extension:** Mr. Gravina stated that 3921 Miller Road, VCA, Inc, has requested an extension of time to complete the improvements granted to them by Conditional Use Approval dated February 13, 2018 for a period of one (1) year. Mr. Winchester asked why they are requesting an extension. Mrs. Ricardo stated they have had a changeover in staff. Mr. Gravina stated the Board will grant them a six (6) month extension, however after that time period is over, the Decision will expire.

Mr. Gravina made a motion to extend the Conditional Use Approval for 3921 Miller Road, VCA, Inc., through August 13, 2019. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

8. Miscellaneous Discussion:

- a. **E-waste Event 2019:** Mrs. Ricardo explained to the Board that Middletown Township has approached Edgmont to determine if they would like to participate in a joint E-Waste collection event with Middletown and Upper Providence Townships to be held at the Promenade at Granite Run on April 20th from 9 a.m.-12 p.m. Mrs. Ricardo stated the cost is approximately \$850 to participate. Mrs. Ricardo continued that in this past this has been a worthwhile event for residents and is well attended since the Covered Device Recycling Act prohibits throwing televisions, T.V.'s, and other peripherals in the trash. Mr. Gravina, Mr. Winchester, and Mr. Hallam all stated they were in favor of participating in the joint e-waste event. There was no further discussion. No action was taken.
- b. **22nd Annual CRC Streams Clean-up:** Mrs. Ricardo announced that the 22nd Annual Streams Clean-up will take place on April 13, 2019 from 9:00 a.m. to 11:00 a.m. Mrs. Ricardo stated the Township will need to determine a stream location where the clean-up will take place and will be looking for volunteers to take part in the event. There was no further discussion. No action was taken.
- c. **RMF Association Request:** Mrs. Ricardo explained that the Runnymede Farms Association submitted an official request for the Township to install "No Parking Overnight" signs throughout Runnymede Farms and to install an additional stop sign at Pritchard Way and Runnymede Drive. Mrs. Ricardo continued that they are also requesting additional wording on existing stop signs where appropriate, which reads "All Way". Mr. Gravina stated the intersection at Pritchard Way and Runnymede Drive would need to be done via a traffic survey, which will be completed during the application process for Phase VII, Runnymede Farms. Mr. Gravina continued that after consideration the Board of Supervisors does not feel that "No Overnight Parking" signs are necessary at this time, but all necessary signage indicating "all way" stops should be placed immediately. There was no further discussion.

9. Announcements

- a. The **Board of Supervisors** will meet on **Tuesday, March 12, 2019, at 7:30 p.m.** with a work session beginning at **6:30 p.m.**
- b. The **Planning Commission** will meet on **Monday, February 25, 2019, at 7:00 p.m.** with a work session beginning at **6:00 p.m.**
- c. The **Zoning Hearing Board** will not meet in February as no applications were received.

10. Adjournment: At 9:03 p.m., Mr. Gravina made a motion to adjourn the meeting. Mr. Winchester seconded the motion. There was no further discussion and the motion passed unanimously.

Respectfully submitted,

Catherine Ricardo, Secretary
Township Manager

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party). This document has been filed electronically on the Commission's electronic filing system and served on the following:

VIA ELECTRONIC AND FIRST CLASS

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Dated: April 3, 2019