

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, November 7, 2016 at 7:30 PM

In attendance were: Chair Carol De Wolf, Vice Chair Tom Haws, Police Commissioner Mike Di Domenico, Township Manager Rob Pingar, Director of Public Works Mark Gross, Historical Commissioner Pat McDonough, and Planning Commissioner Elaine Adler. There were 21 guests present.

I. Pledge of Allegiance & Call to Order

Ms. De Wolf led the Pledge of Allegiance, and called the meeting to order at 7:35 p.m. She began by clarifying an item under Announcements on the agenda. She stated that the meeting scheduled for Wednesday, November 16, 6:30 pm at Stetson Middle School auditorium is the first Planning Commission meeting with Toll Brothers to discuss their Conditional Use Application for Crebilly Farm. Members of the Board will not be present at this meeting.

She asked if anyone was recording the meeting. No one was.

II. Approval of Minutes (October 17, 2016)

Ms. De Wolf stated that the Board requested revisions to the minutes this afternoon. Mr. Haws made a motion to approve the revised minutes of the October 17, 2016 Board of Supervisors meeting. Mr. Di Domenico seconded the motion. There was no public comment and the minutes were approved. The revised minutes will be sent via listserv tomorrow.

III. Workshop Meeting Summary (November 7, 2016)

Ms. De Wolf stated that the Board discussed the following items in their workshop session:

1. Resolution 2016-13 regarding the Sunoco Pipeline
2. Ordinance Amendment 2016-6 regarding Major Home Occupation
3. Agreements with Brandolini for the Giant Store Expansion
4. WEGO Police Pension
5. Township Parks
6. Taylor Family Veterans Memorial Marker location alternatives

The Board also held an Executive Session on legal matters.

There were no questions regarding the workshop.

IV. Departmental Reports

A. Public Works – Mark Gross

Mr. Gross reported that the crew re-contoured drainage swales on Skiles Blvd. and Green Lane. The mast arm destroyed by a fallen tree at the Rt. 926 and S. New Street signal was replaced. The battery backup also had to be replaced. The cost of this will be covered by insurance. The cameras for the signal at Shiloh Road and 926 and 202 was also adjusted for better timing.

The Taylor Memorial markers have been removed from Pleasant Grove and are in storage until an alternate location is chosen.

Pumps for the Kirkwood and Cobblefield pump stations were rebuilt and installed and everything is working fine.

Salt spreaders have been mounted on the trucks for the winter season. A small 2001 dump truck has been put up for municipal auction, and the proceeds will be used to offset the cost of replacing it with a new truck.

There were no comments or questions.

B. Historical Commission (HC) – Pat McDonough

Mr. McDonough reported that although some have declined, many residents on the Historic Resources List have responded positively to the letter requesting access to photograph their properties. As the consent forms come in, the HC will make arrangements to take photographs.

Mr. McDonough stated that the HC is considering alternative sites for the placement of the Taylor Memorial monuments that were removed from Pleasant Grove after resident protest. In hindsight, the HC recognizes that they could have done a better job in getting resident feedback regarding the monuments. The HC is seeking guidance from the Board on the project. Mr. Haws stated that the Board discussed the monuments during their workshop session. The Board is looking to form a committee to determine the best location for relocating the Taylor Memorial, and perhaps consider a monument to all Westtown veterans.

Commissioner Ray Sarnacki is heading the research effort on a sliver of land containing the 1730 Huey ruins on S. New Street, and preparing a conservation plan for this property if it is transferred to the township.

For the next Westtown Gazette article, the commission is interviewing a longtime Westtown resident and will recount her memories of life in Westtown over the past fifty years.

The commission also discussed the Shiloh AME church cemetery. Several members of the West Chester University Student Veterans group attended the HC meeting to offer their assistance in reclaiming this cemetery where several black Civil War soldiers are buried.

There were no comments or questions.

C. Planning Commission (PC) – Elaine Adler

Mrs. Adler stated that the October 19 PC meeting was primarily dedicated to two ZHB applications, the review of the Comprehensive Plan, and a great deal of public comment concerning the proposed development of Crebilly Farm.

The PC will meet for a workshop session on November 9 at 6pm to prepare for the review of the Toll Brothers application. The regular meeting agenda will concern the Westtown Woods proposed development.

To review the Toll Brothers Crebilly conditional use application, the PC has scheduled two special meetings at Stetson Middle School auditorium to accommodate a larger audience. The first meeting will be Wednesday, November 16 at 6:30, at which Toll Brothers will present their plan. The second meeting will be on December 15, also at 6:30. Mr. Haws asked if the township has received the application. Mrs. Adler stated that the application and plan was dropped off on Friday. The PC will make their initial review of the application at their November 9 workshop. Residents may view a copy of the application and plan at the township building. The application will also be posted on the township website.

There were no other questions or comments.

V. Public Comment Non Agenda Items

Kelby Hershey of Cochranville stated he served in the Army and the Army Reserve, with deployments in Iraq and Afghanistan. He returned, and started attending West Chester University (WCU), where he joined the Student Veterans Group. He spoke in support of the local veteran community. He stated that the AME cemetery on Shiloh Road, has 7 documented Civil War Veterans buried there, yet the owner refuses to allow access to the property or maintain it despite state and local laws ensuring that veterans' graves be protected and cared for. Mr. Ritchie provided a brief history of the property and progress towards honoring these veterans. He requested the Board's support in honoring these veterans and offered his assistance. He provided documents for the Board on the issue. Ms. De Wolf stated the Board is aware of the issue and acknowledged the need to pursue a resolution. Township Solicitor, Patrick McKenna, stated that he has met with county and state officials on the matter, but the Township has not received support and there is no legal power at the township level.

Richard Simpson, Vice President of the Student Veterans Group at WCU, also spoke on the issue of the Shiloh Road AME cemetery, quoting Section 4 of the Veterans' Graves Act. Mr. McKenna again stated that in his meetings with county and state representatives over a year ago, they did not support the initiative to restore the cemetery.

William Todd, a local veteran and member of the Student Veteran's group also expressed the importance of supporting the veterans that helped shape our country. He read a letter to Mr. Pingar regarding the neglected Westtown Shiloh AME cemetery.

Mr. Di Domenico thanked the gentlemen for their time and dedication on the issue, and said that the Board has been working to address the AME cemetery for several years. Mr. Haws added that the Veterans Graves Maintenance by County Act from which Mr. Simpson quoted applies to First Class counties, and Chester County is a Third Class county, so the document may not apply. He expressed frustration over the roadblocks that the township solicitor has encountered at the county level.

VI. Old Business

A. Ordinance Amendment 2016-6- Major Home Occupation

Mr. Haws stated that this ordinance amendment would amend the existing code §170-1605.G.4 to allow for certain major home occupations at the intersection of two arterial streets. It has been reviewed by the township Planning Commission, the Chester County Planning Commission, and township solicitor. He then made a motion to approve Ordinance 2016-6. Mr. Di Domenico seconded the motion.

Kathy Di Domenico, 1530 Woodland Road, asked if access would be allowed via Rt. 352. Mr. Haws stated that PennDOT would not allow the addition of a driveway off Rt. 352.

There was no other public comment and the motion was approved.

B. Giant Store Expansion/Brandolini - Final plans & agreements

The Board had five documents relating to the Giant Store expansion:

1. Traffic Signal Maintenance Agreement
2. Financial Security Agreement
3. Development Agreement
4. Stormwater Facilities Maintenance and Monitoring Agreement
5. Declaration and Dedication of the Sanitary Sewer Easement

Mr. Haws made a motion to approve the five agreements relative to the Giant demolition and reconstruction project. The motion was seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

VII. New Business

A. Appointment of Special Council to Planning Commission for Crebilly Tract/Toll Brothers Conditional Use application

Mr. Haws made a motion to appoint Kristin Camp of the law firm Buckley, Brion, McGuire, & Morris LLP as special counsel to the Westtown Township Planning Commission for the Toll Brothers Conditional Use Application for the Crebilly Farm tract. Mr. Di Domenico seconded the motion. There was no public comment and the motion was approved.

B. Resolution 2016-13 - Sunoco Pipelines

Mr. Haws made a motion to approve Resolution 2016-13 expressing great concern about hazardous Natural Gas Liquids pipeline projects that increase the risk of catastrophic accidents which jeopardize the health, safety, and welfare of Westtown Township residents. This resolution will be sent to the acting secretary of PADEP, the Pennsylvania Senate and House chairpersons of their respective Emergency Preparedness Committees, and Sunoco Logistics. Mr. Di Domenico seconded the motion.

Walter Pavelcheck, 1050 S. New Street, requested that the resolution be read or sent on the listserv. Kathy Di Domenico also requested that it be sent on the listserv. The Board stated that the Resolution would be appended to the minutes of the meeting and sent on the listserv.

Nancy Harkins, 1521 Woodland Road, thanked the Board for the resolution. She also suggested an ordinance to address the pipeline. She said Thornbury Township is working on a zoning ordinance and West Goshen has already implemented an ordinance. Mr. McKenna stated that he was not aware of any ordinances executed by other municipalities regulating pipelines. He said they may have ordinances addressing setbacks and dimensional issues, but stated that regulation of the pipeline was preempted at the municipal level. He said he would be happy to contact solicitors from other municipalities and report back to the Board. Ms. Harkins added that there will be a joint hearing of the senate and house next week. She felt it would be helpful for residents who will be making comments at that hearing to have the resolution.

There was no other public comment and Resolution 2016-13 was approved.

VIII. Announcements

Ms. De Wolf made the following announcements:

1. There will be a special Planning Commission meeting on the Toll Brothers/Crebilly Conditional Use Application on Wednesday, November 16, 6:30 pm at Stetson Middle School auditorium.
2. The Comprehensive Plan Update Task Force will be meeting on Thursday, October 27 at 7:00 pm at the township building.
3. The Parks & Recreation commission will be hosting their annual Westtown Winter Festival on Sunday, December 4, 10:00 am - 1:00 pm at Oakbourne Mansion. Enjoy holiday games, crafts, music, photo booth, and refreshments. Several craft vendors will also be offering their wares.

IX. Public Comment on All Topics

There was none.

X. Payment of Bills

Mr. Di Domenico made a motion to approve General Fund bills in the amount of \$511,198.26, and Wastewater Fund bills in the amount of \$46,664.96, and Capital Funds bills of \$28,657.82, for a grand total of \$586,521.04. The motion was seconded by Mr. Haws. There was no public comment and the check registers were approved.

XI. Adjournment

Mr. Haws made a motion to adjourn the meeting, seconded by Mr. Di Domenico. The meeting adjourned at 8:29 p.m.

Respectfully submitted,

Robert Pingar
Township Manager

DRAFT

RESOLUTION 2016-13

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA expressing great concern about hazardous Natural Gas Liquids pipeline projects that increase the risk of catastrophic accidents which jeopardize the health, safety, and welfare of Westtown Township residents.

WHEREAS, Sunoco Pipeline L.P. (Sunoco) has announced that it is currently transporting hazardous and highly volatile Natural Gas Liquids (NGLs) under high pressure through Westtown Township, a “high consequence area,” using a repurposed underground pipeline installed in the 1930s with a capacity of 70,000 barrels (2,940,000 gallons) per day; and

WHEREAS, the NGLs, which are being transported through the township for the first time by Sunoco, are, if released, gaseous, invisible, odorless, toxic, heavier than air, and highly flammable; and

WHEREAS, additional Sunoco pipelines are proposed, identified by Sunoco as the Mariner East 2 project. These pipelines could, if constructed, transport through Westtown Township an additional 275,000 barrels (11,550,000 gallons) per day of NGLs; and

WHEREAS, these Sunoco pipelines have the potential to jeopardize public safety in Westtown Township by accidental NGLs leaks, explosions, and fire; and

WHEREAS, these hazardous NGLs are overwhelmingly intended for export to overseas markets and customers; and

WHEREAS, the transportation of these hazardous NGLs through Westtown Township provides minimal if any benefit to either the municipality or its residents; and

WHEREAS, a leak of these hazardous NGLs in Westtown Township has the potential to block or render unsafe the available evacuation routes for township residents; and

WHEREAS, Westtown has been informed by concerned residents that Sunoco has a record of 263 hazardous liquids spills since 2006, more than any other pipeline operator tracked by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA); and

WHEREAS, Sunoco’s plans for new NGL pipelines are currently undergoing review by PADEP under the provisions of Title 25 of the Pennsylvania Code, Chapters 102 and 105; and

WHEREAS, the PADEP permitting process provides for intervention in the proceedings by interested parties such as Westtown Township, and such intervention will make need for impact mitigation in Westtown known; and

WHEREAS, the Board of Supervisors of Westtown Township believes the township should be permitted to intervene in the PADEP permitting process for the proposed Mariner East 2 NGL pipeline project pursuant to the Board’s interests in protecting the health, safety, and welfare of township residents;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Westtown Township, Chester County that:

Section I

The Board has deep concerns with the high level of risk from the Sunoco pipelines, due to the nature of the highly volatile liquids transported through the Township. This risk must be demonstrably mitigated by such measures as the development of an incident response plan, including viable worse-case evacuation routes; enhanced safety equipment and safety training for first responders; and separation of new NGL pipelines from existing residences by a distance equal to or greater than the Potential Impact Radius (PIR) of those pipelines.

Section II

Westtown Township declares that it has an interest in being a party to all proceedings before any and all County, State, Federal, and any other regulatory agencies involved in the approval of pipelines and associated facilities that could increase the shipment of hazardous NGLs through Westtown Township, including but not limited to petroleum, petroleum products, and NGLs.

Section III

The Board of Supervisors of Westtown Township, Chester County authorizes the township solicitor, if so directed by the Board of Supervisors, to intervene in the PADEP permitting process for the proposed Mariner East 2 pipeline project, and any other proposed NGL transportation project within the municipal boundaries of Westtown Township that comes under consideration.

ADOPTED as Resolution 2016-13 this 7th day of November, 2016.

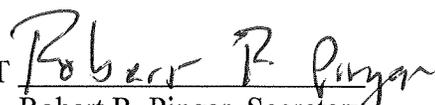
Westtown Township
Board of Supervisors:



Carol De Wolf, Chair



Thomas Haws, Vice Chair

ATTEST 

Robert R. Pingar, Secretary



Mike Di Domenico, Supervisor



WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
610-692-1930

Post Office Box 79
Westtown, PA 19395
FAX 610-692-9651

www.westtownpa.org

November 7, 2016

Mr. Patrick McDonnell, Acting Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dear Acting Secretary McDonnell:

Enclosed please find Westtown Township Resolution 2016-13 which expresses great concern with the Mariner East 2 Natural Gas Liquids pipeline projects proposed to be constructed by Sunoco Logistics through Westtown Township. If constructed, these pipelines will transport highly volatile natural gas liquids which may result in accidental explosions and fires, severely impacting the safety of Westtown's residents. Also enclosed is a November 7, 2016 letter to the chairmen of the State Senate and House Veterans Affairs & Emergency Preparedness Committees requesting that these committees hold public hearings to compile a thorough record of the current safety efforts and requirements in place to address the concerns of Westtown and other public safety-conscious municipalities along the pipeline's route.

We respectfully request your support of these requests and look forward to working with you to make certain that public safety is a priority in Pennsylvania.

Sincerely,

Westtown Township Board of Supervisors

A stylized, cursive signature of Carol De Wolf.

Carol De Wolf, Chair

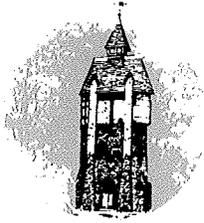
A stylized, cursive signature of Thomas Haws.

Thomas Haws, Vice Chair

A stylized, cursive signature of Michael Di Domenico.

Michael Di Domenico, Supervisor

Enclosure



WESTTOWN TOWNSHIP

1039 Wilmington Pike
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November 7, 2016

Ms. Kathleen Shea-Ballay, Corporate Secretary
Sunoco Partners LLC
1818 Market Street, Suite 1500
Philadelphia, PA 19103-3615

Re: Mariner East 2 Pipeline Project
Westtown Township, Chester County, Pennsylvania

Dear Ms. Shea-Ballay:

As your due diligence should have revealed, many township properties in the area of the proposed pipeline are served by private on-site wells. The township and its residents are concerned that the activity associated with the construction of the project, as well as the on-going operation of the project, may have adverse impacts on the natural groundwater systems which provide drinking water to residents. Westtown would like to provide our residents with your written plan and procedures for ensuring the integrity of these wells is maintained and hereby request that such plan be forwarded to the attention of the Township Manager, Robert Pingar, as soon as possible.

Westtown's understanding is that proposed construction methods may create voids between the proposed pipeline and surrounding earth and that it is Sunoco's intention to leave those voids open and unfilled, thus creating a potential pathway for groundwater contamination. The township therefore believes it would be appropriate for Sunoco's construction methods to include grouting those voids. Additionally, Westtown requests that Sunoco complete pre-construction benchmark water quality testing of each well within a specified distance along the project, and monitor those same wells for an acceptable period of time post-construction to document any degradation of the groundwater.

Finally, Westtown requests that Sunoco Logistics meet with the Chester County Department of Emergency Services to identify potential threats during construction and operation of the project to ensure that a viable evacuation plan is established in the event of an emergency. Furthermore, Westtown requests an invitation to that meeting so we can ensure the appropriate safeguards are in place to best protect our residents and their property.

If the Mariner East 2 pipeline project moves forward, Westtown Township may have additional questions and concerns; however, given the importance of those stated above, it would be best to have these addressed first. We anticipate hearing from you regarding this issue as soon as possible.

Sincerely,

Westtown Township Board of Supervisors



Carol De Wolf, Chair



Thomas Haws, Vice Chair



Michael Di Domenico, Supervisor

cc. State Representative Dan Truitt
State Senator Tom Killion
Robert Kagel, Director, Chester County Emergency Services



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November 7, 2016

The Honorable Randy Vulakovich, Chair
Senate Veterans Affairs & Emergency Preparedness Committee
168 Main Capitol Building
Harrisburg, PA 17120-3038

The Honorable Stephen Barrar, Chair
House Veterans Affairs & Emergency Preparedness Committee
18 East Wing
Harrisburg, PA 17120-2160

Dear Chairmen Vulakovich and Barrar:

Enclosed please find Westtown Township Resolution 2016-13 which expresses great concern with the Mariner East 2 Natural Gas Liquids pipeline projects proposed to be constructed by Sunoco Logistics through Westtown Township. If constructed, these pipelines will transport highly volatile Natural Gas Liquids which may result in accidental explosions and fires, severely impacting the safety of Westtown's residents.

As the chairmen of the State Senate and House Veterans Affairs & Emergency Preparedness Committees, Ninth Senatorial District Senator Tom Killion sent you a September 9, 2016 letter (copy enclosed) requesting that your committees hold public hearings to compile a thorough record of the current safety efforts and requirements in place to address these concerns of Westtown and other public safety-conscious municipalities along the pipeline's route. The Westtown Township Board of Supervisors would likewise request that these hearings be held.

Along with Senator Killion, we believe this effort will help Westtown officials understand the current scope of safety regulations, and compel the state to employ any and all measures to ensure the safety of all those who have entrusted you with the honor of representing them.

We appreciate your consideration of this request and look forward to working with you to make sure that public safety is always a top priority in Pennsylvania.

Sincerely,

Westtown Township Board of Supervisors

Handwritten signature of Carol De Wolf in black ink.

Carol De Wolf, Chair

Handwritten signature of Thomas Haws in black ink.

Thomas Haws, Vice Chair

Handwritten signature of Michael Di Domenico in black ink.

Michael Di Domenico, Supervisor

Enclosure