

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
SEPTEMBER 23, 2019

Minutes of the Regular Meeting of Township Council held on September 23, 2019 at 7:00 P.M. in the Township Administration Building located at 27 North Pennell Road.

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Present: Russ Carlson, Scott Galloway, Susan Powell, Walter "Bok" Read, Andrew Haines, Joseph Damico, Esq., Eric Janetka.

Absent: Mark Kirchgasser, Norman Shropshire

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1. OPENING

Acting Chairman Scott Galloway called the meeting of the Council to order at 7:00 P.M. and led in the recitation of the Pledge of Allegiance to the Flag.

Mr. Galloway stated Council met in Executive Session to discuss pipeline related issues, specifically, the incident that occurred on September 13, 2019. He stated Council will entertain public comments, but any comments related to the pipeline will be deferred until after reports which is the next item on the agenda so that Mr. Haines and Mr. Janetka may speak.

Mr. Galloway asked if anyone was videotaping the meeting. Mr. A.G. Ciavarelli, 301 New Darlington Road, and Ms. Eve Miari, stated they were recording.

2. APPROVAL OF MINUTES N/A

3. PUBLIC COMMENTS N/A

4. REPORTS

A. CHAIRMAN  
NO REPORT

B. COMMITTEE

Mr. Galloway announced the Finance and Administration Committee Meeting is scheduled for Monday, October 14, 2019 at 6:00 p. m.

C. MANAGER

Mr. Haines reported the Township posted on Friday a statement on the fact findings of the incident that occurred at Sleighton Park on September 13, 2019 (attached). He said the statement represents the Township's confirmed facts, timelines and available information. Mr. Haines stated Rt. 1 will be closed this weekend for work on the SEPTA rail line to install girders across Baltimore Pike (Rt. 1). Mr. Haines stated SEPTA has three approved weekend closures scheduled but are hoping with good weather the work can be completed in two weekend closures.

D. ENGINEER

Mr. Janetka stated he has no further information to add to Mr. Haines report.

Mr. Galloway opened the meeting for comments or questions from the public.

Mr. Ken Dinitz, 612 W. St. Andrews Drive, stated in the release mentioned, protocol requires stress calculations and inspections of exposed pipe but does not say what the findings were. Mr. Janetka stated once the subsidence was found they immediately used gas meters to detect any leaks. He stated no leaks were detected. Mr. Janetka stated the information on the amount of pipe exposed and how much of the pipe was supported or unsupported was delivered to Sunoco engineers. He stated he was told the engineers simultaneously determined the length of unsupported pipe was within the limits of what the pipe can withstand. He stated there is science behind the strength of metal pipe, and they were told the unsupported pipe was well within the limits of what the pipe can withstand.

Ms. Joann Williams, 108 Judith Lane, asked how deep is the 12" pipeline at the sinkhole. Mr. Janetka stated the depth is approximately 4 feet. Ms. Williams asked when the concrete is poured does it cover completely the depth of the pipe. Mr. Janetka stated the flowable fill, which is not concrete, comes up to the pipe and then covered with sand. Mr. Janetka stated the product is called sold cement or flowable fill and does not harden like concrete and is able to be excavated. Ms. Williams asked how a leak can be determined in the pipe. Mr. Janetka stated the gas meters at the location can detect any leaks. Ms. Williams asked where the meters are located. Mr. Janetka stated they are mobile units that can be deployed. Ms. Williams asked how deep the 16" pipe is placed. Mr. Janetka stated the depth is approximately 20-feet at this location. Ms. Williams asked if the 20" pipe will be installed at this location. Mr. Janetka answered in the affirmative. Ms. Williams asked how with a broken foot she can walk a half a mile upwind. She stated she does not believe this is workable.

Ms. Rosemary Fuller, Valley Road, asked if the sinkhole was discovered by the morning crews. Mr. Janetka stated he was not informed. Ms. Fuller asked what time the sinkhole was reported to the Township. Mr. Haines stated approximately 8:30 a.m. the cavity was discovered and reported to the Township. Ms. Fuller stated this was a Friday morning and if this happened on a Sunday morning and the crews would not have been arriving, the sinkhole would not be discovered until Monday morning. Mr. Janetka stated there are security personnel on site for security reasons. Ms. Fuller stated there was confusion about the original location of the sinkhole. She stated the next notice stated the location was north at the T-junction of Valley Road. Mr. Haines stated the initial information reported the information to the Township. He stated the response team was on location and what they relayed to the Township was incorrect. Ms. Fuller asked if there will be a timeline on the incident. Mr. Haines stated when they receive the full report, the Township will confirm what was reported. He stated the incident was discovered by approximately 8:30 a.m. and at approximately 10:45 the Township was contacted and by 11:00 a.m. Mr. Janetka was notified and by 11:45 a.m. Mr. Janetka was on location looking at the findings. Ms. Fuller asked what time the DEP and PUC were on location. Mr. Haines stated he does not have their response time. Ms. Fuller stated there was a coating put on the pipe on Saturday and how could this have been done if the cavity was filled. He stated the next day they came back performed the coating evaluation and other evaluations. Ms. Fuller asked if Mr. Boyce brought a gas meter to the location. Mr. Haines stated this would be a question for Mr. Boyce.

Mr. Ray Weinmann, 327 Forge Road, asked if there is a vibration seismic study done in relation to Hanson quarry and the pipeline. Mr. Janetka stated he is unaware of any studies done.

Mr. Haines stated Sunoco is aware of the quarry and will find out if the PUC and DEP require any study and will post the information. Mr. Weinmann asked when the 20" pipe will be installed and completed. Mr. Haines stated there have been statements suggesting mid-2020 which will include drill 591 from Sleighton Park down Valley Road and drill 610 from Granite Farms underneath Baltimore Pike towards the PSP. He stated both are being slated for mid-2020. He stated there is discussion but no confirmation that they may adjust their drill schedule. Mr. Haines stated there is no confirmation at this time and as soon as the Township receives confirmation, they will inform the public. Mr. Weinmann stated there will be three pipes underground, 16", 20" and 10" of which two are 1,250 p.s.i which may increase the odds of something going wrong. Mr. Read stated the last meeting of the tabletop exercise the pipeline operators from Sunoco stated the pressure is 360 p.s.i. Mr. Brennen stated this is pressure that was referenced. Mr. Weinmann asked if the flowable fill is preferred because it is malleable, and this is a concern.

Ms. Marge Demarteleire, 225 S. Pennell Road, stated she lives in the area where underground and above ground pipe installation is to occur that have not been done. She stated Sunoco submitted an application to the PUC to get approval for their revised plan. She stated she looked up the code which states in an emergency a contractor can be given permission to go above and beyond the limits on when they are allowed to work. She stated she is under the impression that this permission was already given. Mr. Haines stated Sunoco has limited approval for 24/7 work only when they were pulling the pipe back through the borehole. He stated during regular business hours, including Saturday, it is the 7:00 a.m. through 9:00 p.m. timeframe. Mr. Haines stated there was a window of 2-2.5 days when they worked 24/7 to do the pull back. He stated Council has reviewed and it is supported by engineering that the safest way to pull the pipe through is to work 24/7. Ms. Demarteleire stated this is against Code as it was not an emergency. Mr. Haines stated permission was granted because it was the safest method. Ms. Demarteleire stated she has come to the Township for 3 years about the risk of the pipeline and she has not seen anything done that makes her feel safe. She stated there will be three pipes 150-feet from her property that will increase the opportunity for a major explosion. She does not know what the Township is doing to make her feel safer.

Ms. Jennifer Nichols, 348 Lenni Road, stated there is a suggestion the Township should have a public hearing prior to granting a 24/7 request and would Council be willing. Mr. Galloway stated they would entertain the request. Ms. Nichols asked how the public would know. Mr. Galloway stated Council could advertise a public hearing once the request came in prior to permission. Mr. Haines stated there would be a notice on the agenda and it could be posted on social media. Ms. Nichols asked how the public would know about the request by Sunoco. Mr. Galloway stated in order to have a public hearing about Sunoco's request, they would have to publish the fact the request was made. Ms. Nichols stated her concern that Sunoco would make the request and Council give permission before the public knows the request was made in the first place. Mr. Galloway stated each request is a different scenario and he does not want to commit to having a public hearing and would depend on the circumstances of the request. Ms. Nichols asked if Council will commit to notifying the public if a request is made. Mr. Galloway stated he does not see an issue and will commit to publishing future requests from Sunoco. Ms. Nichols stated she understands there was a pipeline safety task force which is no longer in operation. She asked if the Township would put another committee together. Mr. Galloway stated Council will consider this request.

Ms. Annie Hollis, 228 Martins Lane, asked how much of the \$100,000 of the risk assessment was used and if there is any amount remaining. Mr. Haines stated part of the funds were being used for training of first responders and mobile gas meters, as the County did a County-wide risk assessment. Ms. Hollis asked if funds are available to support the Safety 7 case. Mr. Haines stated this would be a legal question.

Ms. Bibbiana Dussling, 76 War Admiral Lane, stated she heard from persons on scene that Mr. Boyce requested air monitoring of the site which was denied and asked if the Township was aware. Mr. Haines stated he was not aware and would investigate and confirm. Ms. Dussling asked about the 360 p.s.i. and stated she believes it is not a liquid at that pressure. Mr. Read stated at the tabletop exercise, operators were present and stated they could detect a 10 p.s.i. leak.

5. OLD BUSINESS N/A

6. PUBLIC HEARING

- A. A Public Hearing on a Conditional Use for SEPTA, R3-3 Rail Station
  - B. A Public Hearing on a Conditional Use for Riddle Hospital in I-1 Zoning District.
  - C. A Public Hearing on Ordinance 810; Text Amendment to I-1 Zoning District
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Mr. Haines stated agenda items 6A, B, C and 7A have requested to continue until the October 14, 2019 Council Meeting.

Mr. Carlson made a motion to postpone items 6A, 6B, 6C and 7A until a date certain, October 14, 2019 Council Meeting. Mr. Read seconded the motion. The motion carried with a vote of 5-0.

7. NEW BUSINESS

- A. Consideration for Approval: Preliminary/Final Land Development for SEPTA R3-3 Rail Station  
See above.
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B. Consideration for Approval: Certificate of Total Completion

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- 1. Resolution 2019-48: 294 Oak Avenue

Mr. Haines stated Mr. Janetka has certified each of the listed projects are all completed, and each item would need a separate motion.

Mr. Read made a motion to approve Resolution 2019-48 and Mr. Byrne seconded the motion. Resolution 2019-48 was approved with a vote of 5-0.

- 2. Resolution 2019-49: 1343 W. Baltimore Pike; Granite Farms Estates.

Mr. Read made a motion to approve the Resolution and Mrs. Powell seconded the motion. Resolution 2019-49 was approved with a vote of 5-0.

3. Resolution 2019-50: 45 W. Forge Road.

Mrs. Powell made a motion to approve the Resolution and Mr. Byrne seconded the motion. Resolution 2019-50 was approved with a vote of 5-0.

C. Consideration for Approval: Resolution 2019-51, Final Minor Subdivision; 345 Valley Road

Mr. Stephen Wasylyszyn, G.D. Houtmann & Son, Inc. stated the project is a two-lot subdivision and he has received the review letter. He stated they will comply with the letter but asked for a waiver for the Engineer's review #22. Mr. Wasylyszyn stated the proposed basin consists of a 3.5' berm which is in front of the dwelling. He stated the natural slope of the site will be used to construct the berm to minimize the visual impact on the proposed dwelling. He stated the applicant is proposing to plant the majority of the basin area as lawn with some buffering landscape along the top of the berm. Mr. Galloway asked Mr. Janetka his opinion. Mr. Janetka stated he has no issues with this proposal.

Mr. Read made a motion to approve the Resolution. Mr. Carlson seconded the motion. Resolution 2019-51 was approved with a vote of 5-0.

D. Consideration for Approval: Ordinance 811, Text Amendment of Chapter 167, Peddling and Soliciting.

Mr. Haines stated the Ordinance was introduced at the last meeting. He stated there have been concerns regarding door to door solicitation, and Mr. Damico and Ms. Merino worked to bring the Ordinance forward. Ms. Powell asked if a license was required to be displayed on a person. Mr. Haines stated the license must be available to display.

Ms. Annie Hollis, Martin's Lane, asked what to do if she is confronted by a solicitor. Mr. Haines stated she could ask to see their license. Mr. Haines stated non-profits do not need to obtain a license.

Mr. Carlson made a motion to approve the Ordinance and Mrs. Powell seconded the motion. Ordinance 811 was approved with a vote of 5-0.

E. Consideration for Approval: Resolution 2019-52, Fee Schedule Amendments.

Mr. Haines stated with the approval of Ordinance 811, the Fee Schedule must be updated as well regarding fees for peddling and soliciting. Ms. Kelly Johnson asked for clarification of the fees. Mr. Haines stated if applying for a license the fee is \$200. He stated if there are additional personnel, the cost would be \$150 per person, and if they are vending from a vehicle the cost would be \$350 per vehicle. Ms. Johnson asked if this would include food trucks for events. Mr. Haines stated they would require a food license, but they are hired and not soliciting.

Mr. Carlson made a motion to approve the Resolution and Mr. Read seconded the motion. Resolution 2019-52 was approved with a vote of 5-0.

F. Consideration for Introduction: Ordinance 812, Darlington Road Parking Restrictions.

Mr. Haines stated there are concerns regarding the parking at Darlington Road. He stated

in the past, PennDOT administratively limited what local municipalities could do to try to address local issues. He advised PennDOT now commented if an Ordinance is adopted, then they would not object to a parking restriction.

Mrs. Powell made a motion to introduce the Ordinance and Mr. Byrne seconded the motion. The motion to introduce Ordinance 812 was approved with a vote of 5-0.

**G. Approval of September 23, 2019 Bill List.**

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Mr. Galloway read the bill list aloud.

<b>GENERAL FUND</b>		
Aqua Pennsylvania, Inc.	August Hydrant Bills	\$ 9,375.86
A.J. Blosenski, Inc.	June/July Recycling/Yard Waste	\$ 50,309.06
Independence Blue Cross	September Insurance	\$ 8,972.93
	Highway Share	\$ 9,066.55
	Recreation Share	\$ 2,297.32
		\$ 20,336.80
Kelly & Close Engineers	Prof. Services August	\$ 29,515.97
Keystone Municipal Serv. Inc.	Contracted Serv. 8/12-8/23/19	\$ 8,400.00
Petrikon Wellman Damico	Twp. Solicitor through 8/31	\$ 6,930.53
Brown & Petrosa	September Retainer	\$ 1,000.00
		\$ 7,930.53
Standards & Poor's Financial Ser.	Services-Two. GOB Series 2019	\$ 12,750.00
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Travelers CL Remittance Ctr.	Insurance Liability Installment	\$ 17,869.00
	<b>General Fund Total</b>	<b>\$ 156,487.22</b>
 <b>CAPITAL 2019 G.O. BOND - TRID</b>		
Century Engineering	Wawa Recreation Trail	\$ 34,400.00

**STATE AID FUND**

Lancaster Truck Bodies	2019 Ford F550 Truck	\$ 32,194.00
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Mr. Carlson made a motion to approve the bill list. Mrs. Powell seconded the motion. The motion carried with a vote of 5-0.

Mr. Galloway adjourned the meeting at 7:54 p.m.

Respectfully Submitted,



Sharon Browne, Recorder

**COUNCIL MEMBERS**

AT LARGE  
NORMAN C. SHROPSHIRE  
MARK KIRCHGASSER  
SUSAN K. POWELL

FIRST DISTRICT  
SCOTT D. GALLOWAY

SECOND DISTRICT  
WALTER (BOB) READ

THIRD DISTRICT  
RUSS CARLSON

FOURTH DISTRICT  
STEPHEN BYRNE

**TOWNSHIP OF MIDDLETOWN**

DELAWARE COUNTY, PENNSYLVANIA

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MANAGER  
ANDREW S. HAINES

ENGINEER  
KELLY & CLOSE ENGINEERS

SOLICITOR  
JOSEPH A. DAMICO, JR., ESQ

September 20, 2019

Statement on September 13<sup>th</sup> Sleighton Park Event  
Summary and Disclosure of Confirmed Facts

On Friday, September 13, 2019, staff and officials were notified by Sunoco of a subsidence event in the Township, which occurred north of Forge Road, inside the existing barrier walls and near the horizontal directional drill site at Sleighton Park. The settlement created an opening that was approximately 5'x8' in size on the surface, and approximately 17' in depth. Michels' employees observed one (1) partially exposed pipe, the existing 12" steel GRE pipe transmitting Mariner East 2 HVL product. There was a limited segment of the pipe – two feet or less – that was suspended without support and several other feet of the pipe exposed (but not suspended) not exceeding fifteen feet in total length. Once discovered, Michels immediately utilized gas meters in the field to assess and determine there was no leak of product, and protocol required stress calculations and inspection of the exposed pipe. The Township was able to independently confirm these findings through its engineer onsite and prior to any restoration work.

State PUC and DEP officials were onsite the day of the event, confirmed the finding of facts, and determined no pipe breach or environmental incident occurred. This was completed by early afternoon on Friday, the day of the event. Residential homes within 500' of the settlement were notified by Sunoco staff that there was an event, there is no immediate threat and that there will be visible work to repair the settlement. The information shared and method of the notification to advise homeowners met PUC and DEP requirements.

Michels completed repair to the settlement with flowable fill on Friday, filling up the void to the exposed pipe, to repair the void and provide integrity to the pipe infrastructure. On Saturday, September 14, 2019, the previously exposed 12" GRE pipe had a coating inspection performed, pursuant to protocol. It was determined that no impact on pipe integrity occurred, and no repair to the pipe was required. With the integrity confirmed, no change to its operational status was required by the PUC and the Township had no cause to alter the public use of Sleighton Park.

Sunoco completed geophysical testing of the immediate area near the subsidence after the restoration, with several geophysical survey techniques, which has been provided to the investigative division of the PUC. Sunoco advised the field testing indicated no subsurface anomalies (indicative of a void), and the subsidence event at Sleighton Park is viewed as a statistical outlier caused by saturated soil conditions prior to the final grouting of the recently completed and pulled 16" pipe. Township staff has not yet been able to review a final report of this event to fully verify this information.



Township Council and staff continue to actively monitor the confirmed facts of Friday, September 13, 2019 events at Sleighton Park, and did seek expert opinion to determine a proper legal path forward. The incidents from Friday at Sleighton Park are not welcomed in the community; however, the expert opinion obtained regarding the events of September 13, 2019 does not support a successful emergency action filing. In the absence of an expert opinion and data to meet the legal threshold of clear and present danger, the Township will continue to focus its legal action to its existing intervenor status with the current PUC hearing Meghan Flynn, Rosemary Fuller, et.al v Sunoco Pipeline, L.P. Docket Nos. P-2018-3006117 and C-2018-3006116.

Any new information that is confirmed by the Township will be posted on its website and can be found at [www.middletowndelcopa.gov/sunoco](http://www.middletowndelcopa.gov/sunoco).

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