THORNBURY TOWNSHIP
DELAWARE COUNTY

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BOARD OF SUPERVISORS:

James H. Raith
James P. Kelly
Sheri Perkins
Public Meetings
1st & 3rd Wednesday of each month

MINUTES

Thornbury Township Board of Supervisors Public Meeting
Wednesday, September 6, 2017

The Thornbury Township Board of Supervisors held a Public Meeting on Wednesday, September 6, 2017, at the Township Administration Building, 6 Township Drive, Cheyney PA. Chairman Raith called the meeting to order at 7:00 p.m. with a salute to the flag.

PRESENT:
James H. Raith, Chairman
James P. Kelly, Vice Chairman
Sheri L. Perkins, Supervisor
Jeffrey Seagraves, Township Manager
Geoffrey Carbutt, Township Secretary
Lindsey Price, Roadmaster
Kenneth D. Kynett, Esq., Township Solicitor
Michael Ciocco, PE, Township Engineer
Charles Faulkner, PE, Township Sewer Engineer
Attendees: 23

Chairman Raith announced that that the Board previously held a brief Executive Session this evening regarding legal matters.

APPROVAL OF CHECK REGISTERS

On a motion by James Kelly, seconded by Sheri Perkins, and carried unanimously, the General Fund check register in the amount of $42,615.95, for the period August 17 through September 6, 2017, was approved. Chairman Raith called for comment. There was no comment.

On a motion by Sheri Perkins, seconded by James Kelly, and carried unanimously, the Sewer Fund check register in the amount of $25,035.32, for the period August 17 through September 6, 2017, was approved. Chairman Raith called for comment. There was no comment.

On a motion by James Kelly, seconded by Sheri Perkins, and carried unanimously, the State Fund check register in the amount of $10,303.99, for the period August 17 through September 6, 2017, was approved. Chairman Raith called for comment. There was no comment.

APPROVAL OF MINUTES

On a motion by Sheri Perkins, seconded by James Kelly, and carried unanimously, the Wednesday, August 16, 2017 Public Meeting minutes were approved as presented. Chairman Raith called for comment. There was no comment.

BOARDS AND COMMISSSIONS

PARKS & RECREATION

Joe Burke reported they met last Tuesday and this will be a very busy fall and Christmas schedule. We will hold our Annual Fall Festival and Halloween Parade Sunday October 22. The Senior Fall Luncheon will be October 26. Saturday December 2nd will be the annual Holiday Tree Lighting, and the Wreath Decorating event will be Thursday December 7th. Finally, the Thornbury Holiday Express Train Ride tickets go on sale November15th, with a 6 ticket limit to residents. Park & Rec will also host a Kids Paint Night host Friday October 6th with Annie Seagraves. Saturday October 14th will be our Kids Fishing Derby and this Friday will be our last Movie in the Park followed by fireworks, and this year Sheri Perkins will be hosting a Township Safety Expo at Thornbury Park earlier that night. Sheri thanked Joe for all of his hard work and is looking forward to the events.

HISTORICAL COMMISSION

Ric Miller mentioned adding the old growth trees and Emerald Ash Borer information on the Township website. Chairman Raith commented that we have treated some of the Ash trees in our parks and agreed to post that info.

PLANNING COMMISSION

Jim Quinn was not present.

SEWER COMMITTEE

Ted Jacquet was not present.

ENVIRONMENTAL ADVISORY COUNCIL

Rich White was not present.

LIBRARY BOARD

Jean Mackenzie reported on their Museum Pass for tickets and what museums are participating. Regarding history, on September 26 Roger Arthur will be speaking on JFK and the Cuban missile Crisis, this is an 8 part seminar. September 12 will be Writing Your Memoir. Jean thanked the Board for the recent Paint Night.

AGENDA ITEMS

Stephan Griffith detailed his proposed Eagle Scout project in Palmer Arboretum

On a motion by James Kelly, seconded by Sheri Perkins, and carried unanimously, the Palmer Arboretum Eagle Scout Project presented by Stephan Griffith, was approved. Chairman Raith called for comment. There was no comment. Vice Chairman Kelly congratulated Stephan on a thorough job and Supervisor Sheri Perkins thanked Stephan.

Chuck detailed the final payment to the contractor

On a motion by Sheri Perkins, seconded by James Kelly, and carried unanimously, Final Payment No. 4, to JEV Construction, LLC, in the amount of $14,177.25, for the Wastewater Treatment Tank Replacement Contract, was approved. Chairman Raith called for comment. There was no comment.

Mike Ciocco detailed the DEP requirements for the 2018 MS4 Pollutant Reduction Plan.
On a motion by James Kelly, seconded by Sheri Perkins, and carried unanimously, authorization to allow submission of the Thornbury Township 2018 MS-4 Pollutant Reduction Plan to PA DEP, on or before September 10, 2017, was approved. Chairman Raith called for comment. Vice Chairman Kelly asked Mike if there was any public comment. Mike said none.

Mike Ciocco detailed the final payment on the Pipe Cleaning Contract.
On a motion by Sheri Perkins, seconded by James Kelly, and carried unanimously, final payment to General Sewer Service, Inc. for their completed Line Cleaning and Video Inspection of storm sewers along L'Enfant Court and Garnier Way in the amount of $2,965.00 was approved. Chairman Raith called for comment. There was no comment.

Ken Kynett explained the revised 537 Sewer Service addendum.
On a motion by James Kelly, seconded by Sheri Perkins, and carried unanimously, the Revised Draft of the Western Service Area Sewer Addendum from Concord Township, for 430 Glen Mills Road, contingent upon final approval from the Thornbury Township Solicitor. was approved. Chairman Raith called for comment. There was no comment.

On a motion by Sheri Perkins, seconded by James Kelly, and carried unanimously, the extensions granted on the "Daniels Subdivision", extending the action date from September 9, 2017, to December 8, 2017, the "Crane Subdivision" from September 14, 2017, to December 13, 2017, and the "Lawlor Subdivision", from September 20, 2017, to December 19, 2017, *was approved. Chairman Raith called for comment. There was no comment.*

PUBLIC COMMENT

Pete Haws of Station Road asked about the Barrettôs Meadow project. Jeff Seagraves explained the final process and proposed parking area. Mr. Haws asked about a safety barrier and suggested a split rail fence. Pete also asked about the recycling process and Jeff explained why the containers need to be labeled.

Eric Friedman asked about the Sunoco Grading Permit. He then diverted to safety issues and asked about his proposed resolution. Chairman Raith said we received that last night and havenôt had a chance to review it yet. Mr. Friedman then asked about an estimate of the numbers of people in the blast zone. Chairman Raith responded that we are working on it with an outside party. Mr. Friedman proposed a starting point of the number of people that would be effected an estimate on an 1800 ft. blast zone suggesting 300 people would be affected in Andover. He explained the other charts which included a school zone. He said this an attempt to provide what others havenôt. He then went on once more about the history of recent accidents and specified the April 1st accident in Morgantown that was reported by landowner who described the gas hissing out of the yard and Sunoco did not stop until the next day, so we donôt know the total amount leaked. He then went back to the grading permit that he stated was on association property and requests that included conversations that pertain to our property. Chairman Raith mentioned speaking to their engineer John Mullin two weeks before when Jeff was away, and Mike Ciocco did contact Mr. Mullin. Eric said moving forward we need to be included. Chairman Raith said you will be included. Eric stated that he hasnôt been contacted since. Jeff Seagraves said that is not accurate! I spoke to you Saturday and to another HOA member as well. Mr. Friedman contended that the conversation was not about our neighborhood, to which Jeff said the conversation was directly about what was going on in your neighborhood. Mr. Friedman did not reply. Chairman Raith reiterated they will be contacted. Mr. Friedman then mentioned the historic site and water testing. Chairman Raith explained the testing and also public water, now the Lab has offered to come pick them up. Eric asked if they would take the tests. Chairman Raith said probably not. Mr. Friedman

referred to Edgmont and said we would need follow that chain of custody. Chairman Raith explained the process. Mr. Friedman asked if he can ask the Lab to do the testing. Chairman Raith said, you can ask. Eric then asked about the notification system and finalized with concern about being notified, and being involved in the conversation and process in deciding what is done. Lastly Mr. Friedman asked for a copy of the PPC plan.

Jennifer Berlinger of 9 Fallbrook said it seems like you care but it seems like we are fighting you guys and Sunoco. I took pictures of them taking the trees down against our will and she said there was police involvement and I was questioned by them twice, on my own property, and was accused of trespassing. I am really disappointed that you have let this go through so quickly and she accused Vice Chairman Kelly that his company is working for Sunoco. Vice Chairman Kelly responded, Make this clear, we do *not* work for Sunoco. She then accused him of being part of the project, to which Vice Chairman Kelly stated clearly, that he is *not* part of the project. She then said there is a document stating otherwise. Vice Chairman Kelly said that is a document put out there by Mr. Friedman. Chairman Raith said everything we have done is for our residents, and said, I wish we had more enforcement, but we donôt. Everything we have done is not for Sunoco, but do care for our residents. I go by there every at least twice a day and I feel for you. She said my daughter is crying because she thinks Iôm getting arrested. Please let us know what stage they are at. Jeff mentioned the time frame is on our website when there will be excavation, sound curtain and sediment control line on that side.

Chris Ventresca of 10 Fallbrook Lane added that he has an 8 year old daughter and a 4 year old son and doesnôt feel safe letting them play in their own back yard.

Melinda Walsh of 8 Fallbrook said I went to work one day and came home to what happened and felt we werenôt informed. Communication is important, please let us know what stage they are at. Jeff Seagraves mentioned the time frame on our website when there will be excavation and a sound curtain and sediment control line on that side. Chairman Raith detailed the conditions to the grading permit.

Mike Walsh of 8 Fallbrook asked about the trees and replacement. How do you replace a 200 year old tree? Chairman Raith said there is no way to replace that. Mike then stated he lives 100 feet form this pipeline, and if you lived where I lived, what would you do. Chairman Raith said I would be doing just what you are trying to do. Mike asked if you, in your position, would you have given the association 3 days to review the permit. He asked if there was a delay would you have extended that time frame. Chairman Raith said this has been no secret. Mr. Walsh asked would you have done anything differently, and asked Jeff and Vice Chairman Kelly the same. Vice Chairman Kelly reiterated Jimôs response. Mr. Walsh asked about the DEP permits.

Jen Berlinger asked why does Sunoco get a pass on so many rules? I feel like you donôt care theyôre breaking rules. Chris Ventresca agreed that Sunoco is a public utility. Chairman Raith explained that they are with the PUC, and we sent notice to the PUC.

Mr. Walsh asked is there a basis to align the township with residents for any dispute, and how about appealing that, and is there more that can be done on a township level? Chairman Raith said that is a question that we will certainly ask.

Eric Friedman said there was no rush to get that done and he then added they are destroying our neighborhood. The trail my son and dog and I used to walk on is a muddy mess.

Melinda Walsh asked if they were going to stop and start again and Jeff mentioned the different contractors working at different sites. She said it was my understanding it was stopped in East Goshen. Mr. Friedman stated Sunoco breached an agreement with respect to the information urgent request to stand down on a holiday weekend. We just wanted peace on Labor Day weekend. They have to redesign a number of sites, and we should not have been in such a hurry to issue that permit. Chairman Raith asked Jeff to look into that.

Mitch Trembicki said they are not protecting the residents from arsenic and other contaminates that were once brought down to safe levels, which was based on solid turf. The construction has opened up the land and exposed the soil. Rain has created another situation in mud to dust, becoming airborne, so the kids are being exposed to arsenic and other agents. The wind should be obstructed and the scrubbers should remove the mud before leaving. A conscientious contractor would do that. Everyone passing through is being exposed to this dust they have not been proactive. Sunoco has made no effort to correct this and he was not sure if everyone knows that, and asked the Board to halt construction until the dust issue is handled. He added a street sweeper doesnâ t help. Chairman Raith mentioned Jeff is going to have a meeting with them and you will be invited. Chairman Raith said we will sit them down and will look to get this done.

Danielle Yoch of 15 Diamond Drive said she is hearing the concerns of everyone here and asked if maybe you should say no, and if they did it anyway, that would be their problem. Or if you had more time, you could talk to the residents at Andover about their trees or about what other risks might be there. She then asked what would happen if you said no to the permit? Chairman Raith said they would probably still be working. Ms. Yoch then said, so even if you canâ t do anything about it, you could have still said no. Chairman Raith tried to explain that the reparation work that they promised wouldnâ t be done. Ms. Yoch then asked why the pipeline wasnâ t a part of our Safety Forum. Chairman Raith explained that this is geared towards children. Lastly, she asked about vetting the workers on the pipeline job. Chairman Raith explained that it is not required in our Code of Ordinance for any construction job.

Mike Walsh asked if it were in the ordinance would we do anything about it. Chairman Raith explained, if it was in our ordinance, we would enforce it.

Eric Friedman stated our neighborhood was created with 40% open space for us, and it was taken from us. Here is the issue, is Sunoco being litigated. It is being litigated elsewhere and they might succeed, and if they do, you wouldnâ t want to look like you didnâ t put your best foot forward. If they are successful. I wonâ t look good.

Dan Honig congratulated the Eagle Scout Stephan Griffith and thanked him. Dan then explained his retainer, and sent 2 certified letters, and has yet to receive any accounting or answer. Jeff Seagraves said he asked the building inspector. Dan said this is 6 months late, what is the procedure to this, and it should be a simple matter.

STAFF REPORTS

TOWNSHIP MANAGER'S REPORT- Jeff Seagraves

Jeff reported we will hold our Safety Expo at 6:00 pm this Friday September 8, 2017 prior to the last Movie in the Park. We will have local officials as well as the State Police, The County District Attorney Jack Whelan, and others at the park, to inform residents on a variety of safety issues. Fireworks will follow at the end of the movie.

The proposed location for the Corn Crib which is to be moved as part of the Walton Lane subdivision was forwarded to the Historical Commission for their review and they have agreed upon the proposed location. The applicant has been notified and is making the appropriate changes to the plans.

We have a Red Cross Blood Drive scheduled for tomorrow, Thursday September 7, 2017. We currently have over 30 donors registered.

We have applied to the PA Fish and Boat Commission for the permit to hold our Annual Childrenâ s Fishing Derby. I would like approval to purchase the fish from Crystal Springs Hatchery in an amount not to exceed $2,000.00. The Derby is scheduled for Saturday October 14, 2017.

On a motion by James Kelly, seconded by Sheri Perkins, and carried unanimously, the purchase of fish from Crystal Springs Hatchery, for the Township's Annual Children's Fishing Derby, scheduled for October 14, 2017, in an amount not to exceed $2,000.00, was approved. Chairman Raith called for comment. There was no comment.

We forwarded certified copies of our Zoning Ordinance and Zoning map to Mike Imms to fulfill documentation required for an appeal of the Zoning Hearing Board decision on Appeals Numbers 4, 5, and 6. That decision has been appealed to the Commonwealth Court.
There was no comment on the Manager's report.

TOWNSHIP ROADMASTER'S REPORT – Lindsey Price

The Roadmaster's report was submitted and is attached.
There was no comment on the Roadmaster's report.

TOWNSHIP SOLICITOR'S REPORT – Kenneth Kynett, Esq.

The Township Solicitor's Report was submitted and is attached. Ken confirmed the VMDT Hearing will resume September 20th at 7:30, and it is anticipated that the applicant will conclude their case, so the Township can then present their case. Ken also mentioned having received the recorded Deed on the recently purchased Glen Meadow property. There was no comment on the Solicitor's report.

TOWNSHIP ENGINEER'S REPORT – Mike Ciocco, PE

The Township Engineer's Report was submitted and is attached. Mike had nothing else to report. There was no comment on the Engineer's report.

TOWNSHIP SEWER ENGINEER'S REPORT – Charles Faulkner, PE

The Township Sewer Engineer's Report was submitted and is attached. Chuck mentioned the advertising period for the Thornton Road Planning Module. There was no comment on the Sewer Engineer's report.

Lastly, Chairman Raith asked Jeff to please contact Rustin about the Jr. Supervisor.

ADJOURN

The meeting adjourned at 8:09 pm
Respectfully submitted,

Geoffrey Carbutt, Township Secretary

cc: Board of Supervisors
Kenneth Kynett, Esq.
Jeffrey Seagraves, Township Manager