

**BERWICK TOWNSHIP
BOARD OF SUPERVISOR2
SPECIAL MEETING MINUTES JULY 12, 2022**

CALL TO ORDER AND PLEDGE TO THE FLAG – The Berwick Township Board of Supervisors held a special meeting on Tuesday, July 12, 2022 at 10:00 a.m. in the Municipal Building, 85 Municipal Road, Hanover. The purpose of the meeting is to discuss the Route 94/Cambrian Hills Drainage Project, and any other business. Present were Supervisors Tom Danner, Barry Cockley, Earle Black, Solicitor Tim Shultis, Engineer Tim Knoebel, Roadmaster Bill Scott, Secretary Jean Hawbaker. Pete Socks and Scott Kennedy were not in attendance.

Other present: R. Timothy Weston (Vulcan Attorney), Pat McGrath (Vulcan), Josh Heckler (Vulcan), Johnny Johnson (Vulcan), Ethan Ketterman (Sharrah Design), Bob Sharrah (Sharrah Design), John Murphy (Hanover Retail Holdings Attorney), Harry McKean (Hanover Retail Holdings), Charles McKean (Hanover Retail Holdings).

Vulcan requested this meeting to meet with the township and developer to discuss the drainage project along Route 94. Mr. Weston explained that they want to make sure all of the issues are out on the table and have a common understanding on what is going to happen. There are some concerns such as pollution, and we cannot have it interfere with our operations at the quarry. We have questions so we can get a common understanding.

1. Who are the appropriate grantee parties to the easement agreement?
2. What properties are to be served by this easement, what are the limits of the drainage area?
3. What entity or entities will be responsible for design, construction, inspection, operation, monitoring and maintenance of the stormwater facilities?
4. Limitations on what can be discharged.
5. Design plan review by VCM.
6. Inspection and maintenance covenants.
7. BMPs: What BMPs are being committed to in order to preclude pollutants from being discharged into Pit No. 2? Who will implement?
8. Insurance requirements.
9. Letter of Credit to guarantee performance.
10. Grantor right to require relocation.
11. Grantor right to restrict any additional connections to facilities.
12. Acknowledgement that property and SW facilities are in our underlain by karst formations, and release of Vulcan and its affiliates from liability.
13. Acknowledgement of blasting at Quarry, and release of VCM from liability claims.
14. Indemnification by grantees.
15. Obligations and covenants to run with land.

Bob Sharrah presented a plan and explained the proposal is to run a pipe that would dump to the pit, generally along the roadway that would during the road widening project, would collect the widened

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road water and it would collect the water from the currently designed Apple project and whatever else comes about on the commercial properties. There are a number of pipes from the Cambrian Hills project into a sediment basin. We eliminate that and are proposing a constructive sand filter for water quality purposes. DEP decided that Cambrian Hills must be the applicant for our work here and a major modification to the NPDES permit that's currently in place. We submitted the first major amendment. I received an email from DEP with 2 comments. The second major amendment is all but prepared. We have proven to DEP that water quality has been enhanced with the use of terry clean structure. Because this system including the road widening has new drainage, PennDOT will require the highway occupancy permit be put in the name of the township. I think there will be an agreement in the background that is between the developer and the township for maintenance. The question is, who will own the pipe that will eventually be installed?

Mr. Weston explained that we have a couple of options, it could be an easement to the township, and the township assigns certain rights and obligations to the developer or it could be an easement to the township and the developers and the property owners that are tying in as part of this project. From Vulcan's standpoint, it is important to spell out who is doing what. If we get blockages, we could end up with sink hole problems. After storms, someone needs to be checking this and getting the debris out. We will need to know what area and the maximum flow that is going to come and which BMPs are going to occur there. We liked the idea of the filter, which can be inspected and cleaned out. We need to know what will be done to guarantee performance. We will want the BMPs laid out on the properties and identify who is doing it. Normally we would have insurance requirements with a private entity coming onto our property. All obligations and covenants will run with the land. DEP is very strict when groundwater is contaminated, so we want to make sure inspections are done and maintenance of the BMPs are being monitored.

The Board of Supervisors will need to discuss this with their Solicitor and Engineer. Tom Danner made a motion to add this discussion on the workshop agenda for July 26th, seconded by Barry Cockley. **Roll Call: Black – yes, Danner – yes, Cockley – yes. Motion carried.**

Barry Cockley made a motion to adjourn at 11:15 a.m., seconded by Earle Black. Motion carried.

Respectfully submitted,

Jean A. Hawbaker
Secretary/Treasurer
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