

EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 1, 2012
Approved special meeting minutes
6:30 PM

In attendance: Mark Toth, Acting Chairman; Chris Amentas, Vice Chairman; Ed Porter, Member; Joe Pomorski, Member; Denise Miller, Township Secretary; Rosemary Moore, Township Treasurer; Vince Pompo, Township Solicitor; Chris Della Penna, Township Engineer was also present as requested by the Board. Chairman Chris Makely was absent.

Manchester Farm Phase 1 payment request #28 – Mr. Della Penna presented the Board with payment request #28 from Manchester Farm regarding “landscaping” taken from the contingency fund. Mr. Porter asked Mr. Della Penna to address the over growth and the basins. Mr. Della Penna replied that the basin in Phase I is a punch list item brought two years ago, and Dewey had their contractor clean, mow, and maintain where they are supposed to be. Now they are the responsibility of the Home Owners Association. Basin #1 along West Chester Road is privately owned by the lot owner. Mr. Della Penna stated that the representative from the Conservation District had a concern with the size of the outlet in basin #1, and he told him that it was built in accordance with the plan and design calculations. The representative felt that there could be something done to hold the water back, but this is not something that the township can require. Mr. Pompo asked Mr. Della Penna about the December 2010 landscaping invoices and if he is satisfied with the landscaping. Mr. Della Penna replied “at the time I did the inspection it was all properly installed.” Mr. Toth made a motion to authorize the release of Manchester Farm, Phase 1 payment request #28 in the amount of \$39,755.00 leaving a balance of \$99,432.55. Mr. Pomorski seconded. Vote: Unanimous.

Manchester Farm Phase 1 payment #29 – Mr. Della Penna presented payment request #29 that covers township inspection fees. Mr. Pompo informed the Board that Dewey Homes provided a letter to the township that directs the bank to release the money directly to the township. Mr. Toth made a motion to authorize the release of Manchester Farm, Phase 1 payment request #29 in the amount of \$1,250.00, leaving a balance of \$98,182.55. Mr. Porter seconded. Vote: Unanimous.

Mr. Amentas arrived at 6:41 PM.

Manchester Farm Phase 2 payment request #25 – Mr. Della Penna presented payment request #25 that covers some sidewalk and driveway pavements, one onlot seepage bed, iron pins set at lot corners, and township inspection and legal fees. Mr. Amentas asked Mr. Della Penna if he is satisfied with this request as appropriate, under the circumstances. Mr. Della Penna replied “yes.” Mr. Amentas also asked how many lots were left to build on. Mr. Della Penna replied that there is one vacant lot not built on and three homes under construction. Their intention is to dedicate Phase 2 this year. Mr. Toth made a motion to authorize the release of Manchester Farm, Phase 2 payment request #25 in the amount of \$12,886.35, leaving a balance of \$324,128.48. Mr. Pomorski seconded. Vote: Unanimous.

Mr. Amentas assumed the position of Acting Chairman.

Providence Hill Development Rouse Chamberlin (“Rouse”) – Mr. Della Penna informed the Board that “Rouse” proposed a scope of work dated July 2, 2012 specifically addressing or proposing how they would correct each of the issues on the lot. Mr. Della Penna read his July 27, 2012 summary response letter on what should be done to correct these problems. (These reports are available on the website and in the township office.) Mr. Della Penna stated that in reviewing the Topographic Survey plans prepared by Howell Kline Surveying, for lots 53 and 55 there were some minor deviations from the approved plan, but in his opinion, they are not drastically different or drastically do not affect the drainage of the swale. Mr. Della Penna also stated that he spoke with Mr. DiFonzo, P.E., an Engineer with DL Howell, who assisted with the as-built plan preparation, and he said that the as-built contours on lot 55 do not match perfectly with the approved contours but are skewed slightly. He also stated that in his opinion the grading of the lots are in general conformance with the approved plans, and the deviations are within acceptable construction tolerances.

Mr. Porter asked Mr. Della Penna to go over the yard drain concept. Mr. Della Penna explained that although the plan does not specify a yard drain size, he recommended a minimum size of 18" x 18" and at least an 8" diameter pipe should be installed to connect the yard drains to the inlets. Mr. Amentas asked "where is the water from the swales supposed to go in the absence of yard drains". Mr. Della Penna replied that the approved plan shows flow arrows going down the swale, and some are directed toward the house. It appears to intend that some of the water should go out to the street as well. Mr. Amentas then asked if water is directed to the street, does someone need to be notified. Mr. Della Penna replied that the drainage area plan shows, for each of the inlets, certain areas of the yard conveyed out to the street. Mr. Porter stated that there is already drainage on the street. The concrete is breaking up and the water shoots out from the curbing. Mr. Della Penna replied that he has never had a complaint from anyone regarding water jumping out of the curb. Mr. Pompo asked Steve Gallo, "Rouse," what their intention is. Mr. Gallo replied "their intention is to site the inlet locations where the water goes today." Mr. Gallo also stated that the plan shows the water traveling to the left down the hill. They can also install a new inlet at the low point so it collects the water coming from above the hill. Mr. Pompo asked if they will do what is necessary to do, such as hiring a surveyor. Mr. Gallo replied "correct." Mr. Amentas asked Mr. Gallo what he will be giving the township prior to doing this work so the township knows exactly what will happen. Mr. Gallo replied that in June he discussed that they would submit a comprehensive scope of work and a plan of what they felt they need to do. Mr. Gallo asked the Board if Mr. Della Penna's review letter is an approval, with the condition of up sizing the pipes and installing the 18" X 18" drains, because they are agreeable to do this. Mr. Amentas stated that "Rouse" has to submit something for the township and the four homeowners to sign off on. Mr. Gallo replied that he committed to, in June, to contacting the homeowners individually once the township gives their approval. Mr. Gallo asked "what if one of the homeowners says no." Mr. Amentas replied that they would be at an impasse, and as a township we say "what you want to do is acceptable" but we can't force them, and if the homeowner says "it's not acceptable" then it becomes an issue between "Rouse" and the homeowner. Once the township says that what "Rouse" is doing is ok, then as a township we do not have the ability to say you are not going to be released from your bond. Mr. Gallo stated that they will have to discuss a further extension of the security at the August meeting.

Kelly Midkiff of 309 Providence Hill Road Lot #56 asked if the proposed drain could be moved up the hill to help with the water on her property. Mr. Gallo stated that in previous conversations it was discussed to redirect some of the down spouts, install topsoil around the foundation and drain it out so there is positive drainage, remove the hay bales, and remove the turf from the center of the swale and replace it with sod for established ground covering in the swale. Mr. Della Penna stated that the main reason the inlets were set where they are is because there is an inlet in the street that coincides with the common line of your property, so the inlet has to be put back. Matt Midkiff asked "what protection do they have if this is not done." Mr. Amentas replied that he would like Mr. Della Penna to set a meeting with the affected homeowners to express all their concerns, and present the Board with a review letter.

Karen Cassidy of 311 Providence Hill Road stated that she has concerns with the extra dirt and the two and a half foot deviation, and a six and a half foot difference from elevation 562 from her plot plan. Mr. Della Penna stated that he spoke with Ms. Cassidy's engineer and he said that the contour lines do not match exactly but they are skewed. Mr. Gallo stated that he doesn't see the differences with the as built plans Ms. Cassidy presented to him at the meeting that was held at her property. Mr. Gallo stated that he would also like to see the professional engineer's opinion in writing. Ms. Cassidy said that she paid \$600.00 to prove that "Rouse" did not deliver the yard that she paid for, and they should prove that it's right. Mr. Gallo stated "I think that you proved to us that it is right."

Kevin Richardson of 315 Providence Hill Road stated that his professional licensed surveyor said it is literally four feet of material off to the west. Mr. Richardson stated that he is not comfortable with just burying pipes, and also stated that he has video of water shooting out from his right-of-way which is significantly cracked. Mr. Richardson stated that Mr. Della Penna said "it was in conformance" when he was standing in his yard. Mr. Della Penna replied that he did not say it was in conformance. Mr. Della Penna stated that Mr. Richardson's as built survey has in parenthesis what the deviation is from the approved plan. Mr. Porter stated that he has concerns with Mr. Richardson's bilco doors. Mr. Gallo replied "there is no argument that we need to get positive drainage away from the bilco door, and make the necessary repairs."

Karen Cassidy of 311 Providence Hill Road asked Mr. Dave England “Rouse” if he is in disagreement that the back of her hill (at the elevation 572) is incorrect on the plot plan. Mr. England replied that they “left the top of the hill a little high and the bottom a little low. If we were to go in today and re-grade, it would actually create the worst retaining wall problem for your pool”. Ms. Cassidy also asked Mr. England “why didn’t you haul two and a half feet more of dirt off of the yard so it would have been more like Kelly’s yard, because there is two and a half feet of dirt the entire hill up”. Mr. England replied “I would disagree with what you said.” “You don’t have two feet all the way up.” Mr. Della Penna asked Ms. Cassidy if her primary concern is her pool. Ms. Cassidy replied that it will cost her a lot of money to excavate the dirt out, which should have been excavated out by “Rouse.” Mr. Della Penna stated that he spoke with Gritz Pools and they sent him a copy of the pool plan, and he sketched and graded it on to the as built plan, and it graded in.

Mr. Richardson of 315 Providence Hill Road asked Mr. Della Penna to confirm that he said that the four feet of excess material is not on his property line. Mr. Della Penna replied that he did say that the bank was steeper than what the plan shows, but the four feet is on the neighbor’s property. Mr. Richardson stated that the house was built straight, and he signed off on his house being built at an angle. Mr. Porter asked about Mr. Richardson’s point that his neighbor’s house was not built according to plans. Mr. Della Penna replied that it’s at a different angle. Mr. England replied “the initial subdivision plan may have shown the house within the building set back lines at one orientation, and they still built the house within the building setback lines; we changed that orientation.” “Not an unusual situation.” Mr. Richardson said his neighbor, Lawrence, said that when they went to buy their home, they were told that you could not build a home straight on a corner lot. His neighbor Brett said they were not interested in buying a home unless it was turned straight. Mr. England said that they built the house within the setbacks per the township regulations. They did not represent to anyone that they would build their neighbor’s house exactly this way or that way. Mr. Porter asked Mr. Della Penna if the grading was affected because of the change in the orientation. Mr. Della Penna replied “it changed the grading on the neighbors property.” Mr. Richardson asked the Board for a copy of “Rouse’s” proposal. Mr. Amentas asked Mrs. Moore to make copies.

Baron Crest update – Mr. Della Penna stated that Mr. Dave Thomas, Contractor, has almost completed the finish grading at the bottom of the basin. The surveyor will be checking the grades and putting stakes in the elevation marks that indicate any fine tuning that needs to be done. Once that is completed, Mr. Thomas will complete his work.

Paving of Wilmington Road (Replacing Mount Carmel Road) – Mr. Pompo stated that there is road work on the Scott Farm plans that should be completed by the developer. Mr. Porter is concerned with the state of the road. Mr. Amentas asked the Board how many projects are in process or work already commenced. Mr. Toth replied Mortonville Road is out to bid. Mr. Amentas made a motion to put out to bid the paving of Wilmington Road for .03 miles with 1 ½ feet of B.C.B.C black top. Mr. Toth seconded. Mr. Della Penna gave the Board the specifics of what the motion should be. Buddy Rhoades stated that it should be 2 ½ inches of ID top. Mr. Amentas withdrew his motion. Mr. Amentas made a motion to put out to bid the paving of Wilmington Road for approximately .4 miles of 1 ½ inches of ID wearing course. Mr. Toth seconded. Mr. Della Penna stated that the motion should be corrected to Old Wilmington Road. Mr. Amentas withdrew his motion. Buddy Rhoades spoke about the \$5,000.00 paid to do speed humps as well as other comments regarding the motion. Alfred Wright commented on the budget for the road and priority of the roads as well as other comments regarding the motion. Mr. Porter replied that he and Mr. Toth rode around the township with Tag, Public Works Director, and made a prioritized list, and there was a projected budget at a previous workshop of \$45,000.00. Sharon Scott suggested a spring time road inspection and made other comments regarding the motion. Mr. Porter asked Mrs. Moore the total of the Liquid Fuel Fund. Mrs. Moore replied “\$406,243.21.” Mr. Amentas made a motion to put out to bid the paving of Old Wilmington Road for approximately .04 miles of 1 ½ inches of ID wearing course. Mr. Toth seconded. Vote: Unanimous.

Mount Carmel Road – Mr. Porter expressed concern with Mount Carmel Road and waiting for the developer to do their work. Mr. Toth asked Mr. Della Penna if the township could get reimbursed to do the work that the developer is supposed to do. Mr. Pompo stated that you should have an agreement with the developer first. Mr. Della Penna suggested contacting Traffic Planning and Design and see what they can do to make the road safer for the time being. The Board directed Mr. Della Penna to move forward with Traffic Planning and Design. Mr. Porter stated that if

Mount Carmel Road is going to be delayed, as far as funds going towards that as a complete fix, then there needs to be conversation with Tag, Public Works Director, to get the tar buggy and get a lot of the road fixed this summer.

Mortonville Road –Mr. Amentas made a motion for the work that will be put out to bid regarding Old Wilmington Road and Mortonville Road; sealed proposals will be received on or before August 27 at 12 PM and opened and read at approximately 12:00 PM on August 27. Mr. Toth seconded. Buddy Rhoades asked the paving distance, as well as made other comments on the motion. Mr. Della Penna replied “Modena Borough line out to Saw Mill Road.” Alfred Wright commented on the prioritizing of the road as well as other comments on the motion. The Board directed Mr. Della Penna to get in touch with Traffic Planning and Design tomorrow. Mr. Amentas asked Mr. Pompo the threshold that work has to go out to bid. Mr. Pompo replied “for a professional consultant, there is none.” Mr. Amentas also asked if Mr. Della Penna came to a meeting, and said it was under \$18,000.00, could they authorize the work. Mr. Pompo replied that three quotes are still needed. Mr. Della Penna stated that he will contact Traffic Planning Design, and ask them for an estimate to get the road up to the minimum safe standards. Vote: Unanimous.

Intergovernmental Cooperation Agreement Ordinance (“COG”) – Mr. Pompo presented the Board with a “COG” agreement that was advertised as a public hearing and requested a motion to move forward from the Board. Mr. Amentas made a motion to convene a public hearing for purposes of reviewing the Intergovernmental Cooperation Agreement. Mr. Pomorski seconded. Buddy Rhoades made comments on the motion. Sharon Scott stated that she is concerned that the Board is trying to shove this agreement through, as well as made other comments regarding the motion. Mr. Amentas called for a vote. Mr. Toth, Mr. Pomorski, and Mr. Amentas voted aye. Mr. Porter voted nae to the “COG”, not the public hearing. Vote passed. Mr. Amentas made a motion to rescind the prior vote in favor of the public hearing, and further moved that the public hearing Intergovernmental Cooperation Agreement to be re advertised and addressed at the August 28 meeting. Mr. Pomorski seconded. Alfred Wright made comments on the motion. Mr. Amentas, Mr. Toth, Mr. Pomorski voted yea. Mr. Porter voted yea to the first part and nae to the second part, so he abstained from the vote. Vote passed.

Weeds and noxious growth ordinance amendment – Mr. Pompo informed the Board that the amendment includes the words in the enforcement section “and shall include any other costs incurred by the Township in the administration of this part.” This way the Township can recoup Rob McLarnon, Code Officer, fees for “mowing complaints.” Mr. Amentas made a motion to advertise an ordinance amending Section 10-204, Chapter 10, Part 2 of the Code of Ordinances, weeds and noxious growth as reflected in the Solicitor 7/10/12. Sharon Scott stated that Mr. Pompo tweaked or added the ability of the administrator in order to collect money, as well as made other comments on the motion. Mr. Pompo replied “at the direction of the Board, he proposed language that would enable the township to collect its administrative costs when the township commenced enforcement of the weed ordinance”. Buddy Rhoades commented on the motion regarding mowing vacant properties as well as made other comments on the motion. Mr. Porter stated that he has deep concern with selective enforcement, and the ordinance itself. Mr. Amentas asked why this request is on the agenda. Mrs. Miller replied that she asked Mr. Makely if she could propose this amendment in order to recoup other fees besides the road crew fees. Mrs. Miller also explained that Mr. McLarnon works off of complaints, he does not ride around the township looking for high grass or weeds. Mr. Porter suggested changing the language to that effect. Mr. Pompo stated that as a matter of policy the township can do that, but he wouldn’t recommend that be put in the ordinance itself. Mr. Pompo asked Mrs. Miller if it is a significant expense to the township. Mrs. Miller replied “no, but why should we bill for the road department fees and not Mr. McLarnon’s.” Mr. Amentas asked Mrs. Miller if the township has this proposed language with respect to any ordinance that Mr. McLarnon operates under. Mrs. Miller replied “no.” Buddy Rhoades commented on intimidation with the mowing procedure. Mr. Porter stated that he would like to see this out of Tag’s hands, and the township’s, and let a contractor do the mowing. Mr. Amentas called for a vote. Vote failed.

Mr. Amentas made a motion to adjourn at 9:10 PM. Mr. Toth seconded. Vote: Unanimous.

Respectfully submitted,

Denise Miller