

EAST FALLOWFIELD TOWNSHIP  
BOARD OF SUPERVISORS WORKSHOP MEETING  
November 13, 2012  
Approved workshop minutes  
6:48 PM

IN ATTENDANCE: Chris Makely, Chairman; Chris Amentas, Vice Chairman; Mark Toth, Member; Ed Porter, Member; Joe Pomorski, Member; Denise Miller, Township Secretary; Rosemary Moore, Township Treasurer.

Township Manager – The Board agreed to have Dave Fiorenza attend another meeting to explain what duties he would perform as a township manager. The Board directed Mrs. Miller to invite Mr. Fiorenza to the November 27, 2012 BOS meeting.

K&W Engineers/South Brandywine Middle School – Mark Kurowski, K&W Engineers, explained their revised sanitary sewer alignment for the new South Brandywine Middle School as leaving the existing school property, running in/along Doe Run Road to Crossing Boulevard. The Park and Recreation Commission and the Township Planning Commission both made recommendations to continue the line down Doe Run Road to Crossing Boulevard versus running the line through the township park. Mr. Makely asked Mr. Kurowski how many residents will be serviced. Mr. Kurowski replied that the extension itself was not going to service any residents, it would allow for easier connection on the original layout on the side of Strasburg Road. You can still connect, but it will be further to go and will probably require pump stations. Mr. Toth asked Mr. Kurowski if residents along Strasburg Road will be able to connect. Mr. Kurowski replied “It would leave some available, but once it gets to the pump station and its force main, it will be tough to make the connection.” Mr. Kurowski asked the Board for direction in how to proceed. The Board asked Mr. Kurowski to attend the November 27, 2012 BOS meeting.

Manchester Farm payment release and dedication – Eric Schrock representing Dewey Homes, (“Dewey”) explained background on their payment request for Phase II in the amount of \$31,110.00. They have a balance of approximately \$300,000.00 in their Phase II escrow and \$150,000.00 excess security in their account. Mr. Schrock stated that he has previously been in front of the Board for this request and asked the Board again for that release, so that he can pay his concrete contractor who is threatening to sue them. Mr. Pomorski asked Mr. Schrock why “Dewey” can’t just pay their vendors. Mr. Schrock replied that because their accountants, banks, and their CFO will not take money from another account and pay down something. He asked “What if the township never approves this release?” Mr. Schrock stated that the Board has taken over the required forty five days to approve a payment request, so this should actually be deemed approved. Mr. Makely asked Mr. Della Penna if he was a Board member, would he release this request. Mr. Della Penna replied that he would not have a problem with releasing it because the work was completed satisfactory. Mr. Porter stated that solicitor Vince Pompo sent the Board an email regarding his thoughts on the “contingency.” Mr. Schrock replied that Mr. Pompo’s email referred to the Developer’s Agreement that states that the township can release the base account to the order of the developer, and has to be authorized by the Township with respect with the public improvements on acceptance of the deed of dedication, and the delivery of the maintenance bond. Mr. Porter stated that Mr. Pompo also stated “therefore under the agreement, the Board has no obligation to release the contingency funds at this time.” Mr. Schrock replied that the email also states that the township, with respect to public improvements upon acceptance of the deed of dedication and delivery of the maintenance bond and with respect to quasi public improvements, upon inspection, you may release. Mr. Porter asked Mr. Schrock if they received a citation in October. Mr. Schrock replied that what Mr. Porter is referring to is a Department of Environmental Protection inspection report stating they need to provide stabilization on lot #24, one on Bridle Path Lane, and one on Cyprus Lane, and failure to provide permanent stabilization. Since Hurricane Sandy, the detention basins have worked well. They also have two eye witness testimonies from homeowners stating that the basins are working properly.

Angela Ayukachale of 106 Bridle Path Lane, lot #29, asked Mr. Schrock if the basin behind her house is completed. Mr. Schrock replied that the basin still needs to be regraded. David Oleszek of 147 Bridle Path Lane stated that the grading between lots #66 and #67 have not been done properly, and his sidewalk was not caulked. Mr. Della Penna replied that the grading issue is on the “punch list” for Phase I. Mr. Amentas asked if there were modifications made to the lot to address specific problems. Mr. Della Penna replied that the shallow surface base was replaced with a large underground seepage bed. James and Crystal Depte of 111 Cyprus Lane stated that they were told that their grading problem is on the “punch list. Mr. Della Penna replied that it is on the “punch list.” Ronald Agulnick, attorney for “Dewey”, stated that they are asking for a release of the escrow money for the public improvements. Mr. Amentas replied that he doesn’t disagree that the release is to pay for public improvements; it’s the area where the funds are being drawn. Mr. Amentas asked Mr. Agulnick why James Depte’s private lot issue is on the “punch list.” Mr. Agulnick replied that it should not be because the “punch list” is looking at the installation of the public dedicated improvements. Crystal Depte stated that when her driveway was replaced they left a ditch in front of her driveway. Mr. Makely asked Mr. Della Penna if he inspected this issue. Mr. Della Penna replied that he told

the builder superintendent that the homeowners were not satisfied with their fix, and the superintendent said that he would go out again and take a look at the situation. Mr. Porter asked Mrs. Miller to set up a folder on the computer so the supervisors can see all resident complaints. Mr. Porter stated that he is concerned with the basins because Misty Patch Road and South Caln Road are taking on a lot of water, and whether the \$17,000.00 is enough money. Mr. Agulnick replied that it is improper to compare a performance against Hurricane Sandy, which produced rains that you would not look at for a 100 year storm or a way you would design a basin. Mr. Agulnick also stated that their plans were approved under the state of the law as it was then. The Board directed this to the November 2012 BOS meeting. Mr. Amentas stated that if residents have a problem on their private lot, it gets referred to the builder. A public issue such as sidewalks, roads or basins gets directed to the Township, and if there are problems on a private lot because of public improvements, it gets directed to the developer and possibly the township.

Fran Digian, Manchester Farm Home Owner Association, ("HOA") asked the Board for resolution on all the comments on their September 12, 2012 letter. #1 Copy of the open space deed: Mr. Della Penna stated that he will provide a copy to the "HOA". #2 Copy of the sign easement: Mr. Della Penna stated that he will provide a copy to the "HOA." #3 Dead trees and shrubs installed in Phase I and II need to be replaced. #4 Reimbursement for the repair of two street lights. Mr. Schrock stated that "Dewey" will reimburse the "HOA" for those charges. #5 Clean all debris and obstructions at the pipes to all stormwater detention basins within the community. #6 Correct all deficiencies in the stormwater detention basins in a report dated August 5, 2010 from Ingram Engineering, hired by the "HOA." Mr. Makely asked Mr. Schrock if he will review this report. Mr. Schrock replied "yes." #7 Inspect all stormwater detention basins within the community and provide a report to the "HOA." #8 All wooden support stakes placed by "Dewey" on trees planted in open space areas be removed. Mr. Makely replied "ok." #9 Roads are in complete disarray on Bridle Path Lane and Cyprus Lane. Mr. Schrock replied "They would have had them fixed if they had this payment request released." Mr. Agulnick stated that they are up against a deadline, because you do not pave in the winter time. As long as construction vehicles use those roads they will get worse if they do not get fixed. Mr. Amentas stated that it has been represented to the Board to release the request to pay contractors, but the work has not been completed yet. Mr. Schrock replied that they cannot go out and hire someone when there is a reputation on the street that this Board does not release money. Mr. Amentas asked Mr. Schrock how much their paving contractors are currently due. Mr. Schrock replied "\$26,000.00." Mr. Amentas asked Mr. Schrock how the remaining problems will be fixed with the remaining \$5,000.00. Mr. Schrock replied that he previously said that if he could establish that the Board will release the requests quickly or in a timely fashion, then they would go ahead with paving Phase II. Mr. Schrock also stated that if the Board does not make a decision tonight, they will not be paving this year. Mr. Amentas stated that the township Solicitor has advised the Board that they are not doing anything wrong in their position.

David Oleszek would like the water runoff issue that runs from Sidesaddle Lane and connects to West Chester Road, and two sidewalk ramps added to the "punch list." Mr. Makely replied that Mr. Della Penna will put this on the "punch list." Mr. Makely directed Mrs. Miller to put the payment request release on the November 27, 2012 agenda. Fran Digian asked for a commitment from Mr. Schrock to fix their pot holes. Mr. Schrock replied that he will look at them.

Bark Relay – Harry Reath would like to have a "Bark relay" in the township park for approximately four hours and asked if there is a fee to rent the park. The Board agreed to give him the resident pavilion rate of \$50.00 and \$100.00 for deposit. Mr. Makely directed Mr. Reath to the next Park and Recreation meeting.

Review of 2012 trash/recycling invoices – No presentation

Township park farmer's market event – Mr. Porter would like to start a "Farmers Market" in the township park. The Board approved Mr. Porter proceeding with this event.

Replacement of the township sign by the Boy Scouts – Mr. Porter asked the Board for approval to move forward with Bob Labar's Boy Scout Troop to proceed with building a new township sign, and use the garage on a Wednesday to do the work. The Board approved \$1,000.00 for the sign. Mr. Della Penna stated that Rob McLarnon, building inspector, should be consulted before the sign is built.

Western Chester County Council of Governments "COG" – Mr. Pomorski stated that Terry Bruno of South Coatesville was appointed the Chair, Josh Young of Caln Township was appointed as Vice Chair and he was appointed as Secretary/Treasurer at the first official meeting held on October 24, 2012. They will also use First Niagara Bank for their banking.

ADJOURNMENT: Mr. Makely made a motion to adjourn the Board of Supervisors meeting at 7:37 PM. Mr. Toth seconded.  
Vote: Unanimous.

Respectfully Submitted,

Denise Miller  
Township Secretary