

**EAST FALLOWFIELD TOWNSHIP**  
**BOARD OF SUPERVISORS WORKSHOP MEETING**  
June 10, 2014 Approved minutes  
6:34 PM

**Members Present**

Joe Pomorski, Chairman  
Steve Herzog, Vice Chairman  
Ed Porter, Member  
Mark Toth, Member

**Township Staff Present**

Lisa Valaitis, Township Secretary  
Rosemary Moore, Township Treasurer

**Township Solicitor**

Bob McClintock

**1) CALL TO ORDER, SILENT MEDITATION AND PLEDGE OF ALLEGIANCE.**

Chairman Joe Pomorski called the meeting to order at 6:34 p.m.

**2) Discussion**

A. CCATO Act 167 Deadline

Bob McClintock reported that he hasn't heard any indication of how aggressively or quickly the DEP will act after the July deadline has passed. He heard they are serious about enforcing the July deadline. He heard from sources (county and engineers in other municipalities) that the DEP will not take action if a letter is sent to them stating that the Township has it on a future meeting agenda for consideration. The process will require re-advertisement of ACT 167 ordinance for two weeks before putting it on a Board of Supervisors meeting agenda.

Steve Herzog questioned what the costs would be of adopting and enforcing Act 167. Bob McClintock suggested a cost estimate for enforcement be prepared for the July Board of Supervisors meeting. There will be no cost to the Township for the application part of enforcement because the applicant would pay for that time and review process. It is difficult to estimate costs because it's similar to building code violations which are also difficult to estimate. He suggested that the best way to estimate costs would be to look at building enforcement tied to Rob McLarnon. He also suggested looking at other townships that have adopted Act 167 to see what costs they have incurred.

ACTION: Act 167 will be put on the August 26, 2014 Board of Supervisors meeting agenda. Bob McClintock will draft a letter for the DEP. The proposed ordinance will be advertised in August. Cost estimates will be prepared for the July 22, 2014 meeting.

B. Dewey – Manchester Farms

Bob McClintock stated the balance in escrow on Phase 2 on the report is actually higher because the amount under "This Release" has not been released. Chris Della Penna confirmed that the \$31,110 has not been released.

Joe Pomorski reported that he had been playing telephone tag with Dan Dougherty at Dewey. Neither Dan Dougherty nor the two Dewey brothers were able to attend the meeting. Joe Pomorski left a message with Dan Dougherty requesting his attendance at the June 24<sup>th</sup> meeting. He is hopeful Mr. Dougherty will attend on the 24<sup>th</sup>.

Chris Della Penna reported that Phase 1 still has some Punch List items that need to be done which are mostly grading issues on properties. Everything has been done for the escrow release. The road work is what remains to be done in Phase 2. Chris Della Penna had strongly urged Dewey to be present at this meeting. He feels the

Township should release the money from escrow but that Dewey should be present at the meeting for this request. He believes that once Dewey got the escrow money, they would complete the required work.

Steve Herzog voiced a concern that there is enough money in the escrow accounts to cover the costs of the work left to do. Chris Della Penna said there is enough money left in escrow based on Dewey's engineer estimates and contractor costs even if the \$31,000 is released. The \$31,000 is to cover costs that Dewey already incurred and their subcontractors are suing them for non-payment. Chris Della Penna stated that Dewey is afraid to do more work and then have the Township not release money to pay for that work.

Joe Pomorski stated that someone from Dewey really needs to come to a meeting to discuss the release of escrow funds. Ed Porter said that because Chris Della Penna has signed off on the completed work and escrow request, that it is the law for the township to release the funds. Ed Porter stated the MPC requires the Township to release the money if the engineer has signed off on the work. Bob McClintock said that \$23,000 of the requested release is the 10% contingency which the township is not required to release. Dewey's can't move forward without this release. Chris Della Penna said that Dewey requested the contingency release because the work they did was for concrete repair work and the money for sidewalk work was already released.

### C. Rouse/Chamberlin, Ltd. – Mr. Moser's Project Ridgecrest Development

Jonathon Penders presented an update on the Ridgecrest Development. He stated they are under contract and working through their "due diligence." There are a few issues that came up during their "due diligence" that they are seeking clarification on from the Board:

1) Intersection of West Chester Road and S. Caln Road – Seeking clarification on the timing of work at the intersection of West Chester Rd. and S. Caln Road. During Phase 2, there will be storm water management systems that are designed to reduce storm water flow into this intersection. A lot of developers have contributed money to make changes to this intersection. Mr. Penders asked whether the changes would be done during the time of development or three to five years after building is complete. Ed Porter asked what the contract states in regard to Dewey completing the intersection work. Bob McClintock responded that Dewey is responsible for performing the work. Mr. Moser was responsible for putting in a flashing traffic light as part of the Northwoods Development. This money is in escrow. A four-way stop sign has been put in and works quite well.

Jonathon Penders asked if there is still a legitimate issue with this intersection. Does the township still want to make improvements to this intersection? The Board would like to improve the grading on this intersection but feel that the four-way stop signs have effectively reduced the number of accidents.

2) Location of Tot Lot – Seeking to relocate the Tot Lot/recreation area to a new more centralized location. The original plan has the Tot Lot down in a ravine which is a secluded area and not very visible from the street. They would also like to swap out the gazebo for picnic tables and benches. The proposed change in location is for the Tot Lot to be out in a more centralized and accessible location. The original location of the Tot Lot will be a wetlands. The trail will remain. Plenty of visitor parking will still be provided.

3) Harkins Walking Trail Connection – Trail will run from Copeland Way to close to S. Caln Road. Jonathon Penders requested that if the Harkins Trail is not going to be built during the building of the Ridgecrest Development, then Rouse/Chamberlin would prefer not to build the trail. This trail could still be an option in the future. Mark Toth said it's highly unlikely that the trail would be developed in the next five years. Jonathon Penders proposed that they set up a mechanism that gives the HOA responsibility to build the trail in the future and that they will fund the money and set up an escrow account. This reserve account would be on the HOA annual budget each year which allows for full disclosure to residents. Chris Della Penna asked if the plan should reflect a possible path for homeowners to be aware of. The path location can be approximated on the plan. Ed Porter said that there is a storm water issue at the back of the development site. The ground in the area of the proposed trail does not absorb water. The trail would wash out if storm water management isn't addressed. Ed Porter asked if they need to do something with PECO and easements/power lines. Jonathon Penders said nothing needs to be done - one easement never had power lines and the second easement will stay where it is.

The Board is open to setting up an escrow to construct the trail at a later date but it's not part of the current approval. Bob McClintock stated that the Board can allow an amendment to the application or could require a

reapplication. Mr. Moser said he believes the Board already agreed to removing the trail and putting money in escrow. He will not agree to open up another application.

4) Extension Request for Phase 1 Development – Ground breaking in August with 27 units. Phase 2 will start when Phase 1 is successfully sold out. The Plan approved in August 2011 allows until August 2016 for final improvements to be completed. Jonathon Penders requested that the Board provide for an extension of Phase 2 for 24 months to ensure that Phase 1 is done correctly.

5) Sewer work on S. Caln Road – Jonathon Penders followed up on a previous question about the timing of the offsite sewer line installation and how long S. Caln Road would be closed while the sewer line is installed. He reported that S. Caln would be tied up with construction for just over 2 weeks.

Ed Porter brought up a concern that Jamie MacCombie had previously stated that the sewer line is supposed to run down S. Caln Rd. past the existing houses on that road (785 and 795). This allows those homes to connect to the new sewer line. Mr. Moser and Mr. Penders stated that they have no documentation to support this. The sewer line needs to run downhill and out the back of the development because the pumps have been removed from the plan. Mr. Penders will contact Jamie MacCombie to get clarification on this.

Jonathon Penders and Ted Moser would like is to go before the Board at the June 24<sup>th</sup> meeting for presentation and are seeking final approval at the July 22 meeting. Ted Moser would like to know if there is any opposition so he can proceed. The Board is willing to proceed with an amendment to the application. Rouse Chamberlin will have to come before the board at the June 24, 2014 meeting to get approval for the proposed Tot Lot and trail changes.

D. Updating Intersection Signage – Mark Toth said that we need to start thinking about updating signage to meet the new PENNDOT standards. We should consider this cost in the 2015 budget. Mark Toth suggested the Township do this in stages. The cost can come out of Liquid Fuels.

E. Hiring Temporary Employee for Township office – There was a discussion about hiring a temporary employee to help the office. Ed Porter stated that Lisa Valaitis could work up to 34 hours a week to help with work demands. The Board discussed whether or not a temporary employee would be worth training because they would not be in the office long term. Rosemary Moore stated that a temporary employee would be worth the time and effort because they could help the office get caught up on tasks like filing that don't require much training. Ed Porter suggested the Township consider hiring an additional permanent office employee. A permanent employee would save money in the long run. Joe Pomorski said he would prefer to put off hiring a permanent employee until 2015 for budget reasons. The Board discussed holding executive sessions in regard to hiring another office employee.

There are two days that the office may need to be closed. With only two office staff, there are two days of overlapping vacation days. The Board discussed how best handle. A few suggestions were made such as having the Board of Supervisors rotate covering in the office, closing the office, or having a temporary employee open and close the office. After discussion, it was decided that the Township office will be closed on Monday, July 28<sup>th</sup> and Tuesday, July 29<sup>th</sup>. The Board told Rosemary Moore that she could start arrangements for bringing a temporary employee in to the office.

F. Adjournment – Joe Pomorski made a motion to adjourn the workshop meeting at 8:16 pm. Steve Herzog seconded. Vote Passed 4-0.

Respectfully Submitted,

Lisa Valaitis  
Township Secretary