Thursday, March 16, 2023

Jay McGuigan

Jguig@comcast.net

215-837-0878

Mr. Lewis,

Thank you for putting me in touch with Mike Italia. He has provided me some of the valuable information that I requested.

There were other questions that I had that were not for the engineers, but for the township leadership. Since Mr. Fisher noted at the BOS meeting 2/22/23 that the township meeting wasn't the forum for such discussion, and this was reinforced by the silence of the BOS and others that evening, I am forced to forward these questions to you.

I expressed two primary issues of concern that evening: the work hours and the height of the homes under construction.

Work Hours

The work hours were clarified in the document attached **(Appendix A).** These Preconstruction Meeting minutes were from the 40 minute meeting held 2/10/22.

The area in question is excerpted below for your convenience:

17. Work Hours.

a. The Contractor may perform work on weekdays (Monday through Friday), beginning at 7:00 AM and concluding no later than 8:00 PM each day, in accordance with the Municipality's ordinance requirements.

b. With the prior approval of the Municipality, the Contractor may perform work on Saturdays, beginning at 7:00 AM and concluding no later than 8:00 PM, in accordance with the Municipality's ordinance requirements.

c. The Contractor is prohibited from performing any work on Sunday or on any legal holidays recognized by the Municipality.

d. Work performed after 8:00 PM on weekdays, during the weekend or on any legal holiday may require overtime inspections. The Developer is advised that they are responsible for paying premium inspection costs for overtime inspections.

1. Has the township had recent discussion with the builder about the work hours on Saturday (b above), and if so, will the township continue to allow for 13 hour workdays on Saturdays beginning at 7AM?

2. For clarity, are all agents and entities associated with this new development (construction, landscaping, and sales personnel) bound to the terms of this agreement outlined in these documents? Are there are exceptions? Which entities would this not apply to, and where is that exception documented as a stipulation?

3. Given that the township is now aware that the Mayfield development has had repeated violations of these agreed to Work Hours, is there any plan to fine the developer for their breech? (If you would like video proof of many of these violations, I can provide that to you. There is a Facebook page for Newtown Crossing where these have been posted over time.)
    a. 1/16/22 - Survey truck making a left out of development, despite postings. – This was posted on the Facebook Newtown Crossing page.

b. 8/14/22 – Construction on Sunday of the first model home – There is video of this also and you should be able to see this in their labor logs as people were clearly paid for their labor.
c. 1/8/23 – Construction equipment working on Sunday again. Police log will prove this.
d. 1/16/23 – Construction on MLK day – also a violation. Police log should prove this.
e. 2/20/23 – President's Day – In violation, the builders worked the full day. The police were called but either did not come or came without stopping the builders. Police log should prove this was called in.
f. 2/21/23 – Builders were working past 8PM in lot 34's basement.

4. Now that you are aware of these willful violations, will there be any fines levied or action of any kind taken?

    a. Please see the "overtime inspections" section cited above. Will there be such inspections
    b. What is the fine amount?
    c. Does that fine go to the Township for general fund purposes, or does it go to the HOAs of adjacent developments who were actually affected by the violations?
    d. If no, why is there no action being taken?

5. Will there be any repercussions for the builder for future violations?
    a. Are fines escalating like they are, for example, OSHA violations? By this I mean that your first fine if $5,000. Repeated violations warrant increasingly higher penalties to encourage compliance.

6. In the future, since the police did nothing to stop the violations from 2/20/23 after being called, what should residents do when they witness violations of the terms of the agreement?

7. Will NVHomes be allowed to continue working in their sales office on Sundays (violating the agreed to Work Hours), despite the stipulation above in Work Hours that does not specifically exempt them?

In summary, thank you for taking the time to address these concerns. I appreciate your response.

Respectfully,

Jay McGuigan RN

215-837-0878

Appendix A

Minutes of Pre-Construction Meeting
9 Pages

MEMORANDUM

TO: Preconstruction Meeting Attendees

FROM: Leanna M. Colubriale, P.E., CFM

RE: Preconstruction Meeting Minutes
Mayfield (formerly Arcadia) Final Land Development
Newtown Township
RVE File #PBNTP189

DATE: February 10, 2022

Remington & Vernick Engineers (RVE) is pleased to provide minutes from the recent pre-construction meeting that was held for the project referenced above.

These minutes shall serve as the official record of items discussed at this meeting. Please review these minutes upon receipt and direct any questions or comments to our office within ten (10) calendar days. Otherwise, these minutes shall stand.

Sincerely,
REMINGTON & VERNICK ENGINEERS
By

Leanna M. Colubriale, P.E., CFM, Associate
Township Engineer

LMC/lmc

cc: Micah Lewis, R.L.A., Township Manager
Kristie Kaznicki, Newtown Township, Administrative Assistant
Christopher J. Fazio, P.E., C.M.E., Executive Vice President
Vanessa Nedrick, P.E., MSEM, Principal, Regional Manager
Ed Woodbridge, Project Inspector

PRECONSTRUCTION MEETING MINUTES

Project:	Mayfield (formerly Arcadia) Final Land Development
Developer:	Arcadia at Newtown Holdings LP
Contractor:	B. Blair Corporation
Municipality:	Newtown Township
RVE File #:	PBNTP189

A preconstruction meeting for the Project was held on February 9, 2022 on Microsoft Teams. All preconstruction meeting attendees were asked to sign-in and a copy of the sign-in sheet has been included with these minutes.

All preconstruction meeting attendees are advised that the purpose of the preconstruction meeting is to establish administrative requirements for the completion of the Project.

1. Scope of Project.

   This project includes the construction of 60 single family dwellings with associated roadways, parking, landscaping, and stormwater management.

   Initial grading permit work to include only erosion controls, demolition, wooded tree removal, basin grading and excavating per Exhibit A in the grading permit. Following final plan approval and the recording of final plans and execution of agreements, the remaining scope of work can commence.

2. Status of Agreement & Permits.

   a. Status of Escrow Recommendation: Issued

   b. Status of Land Development Agreement: Pending

   c. Status of PennDOT HOP: Pending

   d. Status of Conservation District Letter of Adequacy: Issued

   e. Status of PA DEP NPDES Permit: Issued

   f. Status of SWM O&M Agreement: Pending

   g. Status of Building Permit: Pending

3. Approved Plans.

   a. Project Plan & Revision Date:

      The plans are entitled "Final Land Development and Major Subdivision Plans for Mayfield (Formerly Arcadia at Newtown Holdings, L.P.) revised 9/29/2021, prepared by Holmes Cunningham LLC of Doylestown, PA.

   b. The Developer must provide five (5) copies of the recorded final plans to RVE. Each sheet of these plans will be stamped "Approved for Construction" with red ink. The copies of the stamped approved plans shall be distributed as follows:

      i. Municipality (1 copy);
      ii. RVE (2 copies);
      iii. Developer (1 copy);
      iv. Contractor (1 copy).

   c. The Project shall be completed in accordance with the stamped approved plans. Any work performed that is not consistent with the stamped approved plans for the Project may not be accepted and may be subject to correction. It is the responsibility of the Developer to ensure that the Project is completed in accordance with the stamped approved plans. The stamped approved plans must be kept at the Project site and must be available for inspection upon request during performance of the work.

4. Communications.

   a. Although questions may be asked at the preconstruction meeting, all preconstruction meeting attendees are advised to submit questions to RVE in writing.

   b. Hereafter, all correspondences, including questions, shall include RVE's project file number (noted above) and be transmitted to the Municipal Engineer, the Manager of Construction Inspection Services and the Project Inspector. All responses to technical questions will be issued by RVE Engineers in writing.

5. Product Submittals; Preconstruction Video.

   a. The Contractor must provide product submittals for all products used in the construction of the site improvements shown on the stamped approved plans (e.g. pipe, valves, fittings, pre-cast structures, inlet grates, manhole covers, amended soils, aggregate, geotextile, concrete, ad-mixtures, asphalt, site furniture, etc.). Product submittals must be sent to the Design Engineer to be reviewed for conformance and then sent to the Manager of Construction Inspection Services via e-mail or mail. Product submittals will then be reviewed for conformance with the stamped approved plans and returned electronically.

   b. RVE does not review water or sanitary sewer submittals for this project. All water and sanitary submittals should be coordinated with the appropriate authority.

   c. The Contractor shall provide a Preconstruction Video before construction begins. The video must include the Project site and immediate surrounding areas (e.g. neighboring buildings, properties, sidewalks, trees, etc.). The Contractor must provide two (2) copies of the video in digital format (1 copy for RVE; 1 copy for the Municipality).

6. Contractor Personnel.

   a. The Contractor designates that Bob McNeill will be the Foreman assigned to this Project for its duration. The Contractor is advised that the Foreman must have good verbal communication skills. If the Foreman fails to communicate effectively, the Contractor will be required to replace the Foreman.

   b. The Contractor designates that Bob McNeill will be the Site Safety Officer assigned to this Project for its duration.

7. Engineering Inspection.

   a. RVE serves as the Municipal Engineer and has the right to inspect the site work shown on the stamped approved plans at any time on behalf of the Municipality. The Contractor shall provide the Manager of Construction Inspection Services with a minimum of forty-eight (48) hours notice before construction begins.

   b. RVE designates that Ed Woodbridge (215-901-3713) is the Project Inspector assigned to this Project.

   c. If there is a gap in construction activity for more than one (1) week, the Contractor shall provide the Manager of Construction Inspection Services with a minimum of forty-eight (48) hours notice before resuming construction.

   d. The Developer is responsible for coordinating directly with other agencies to satisfy their inspection requirements (e.g. building code officials, utility owners, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, County Conservation District, etc.).

8. Construction Schedule.

   a. The Contractor must submit a detailed construction schedule to the Manager of Construction Inspection Services. The construction schedule must indicate the anticipated start and completion of each type of operation for the following two (2) weeks.

   b. An updated construction schedule must be e-mailed of faxed (610-940-1161) to the Manager of Construction Inspection Services by 12:00 PM every Thursday.

   c. The anticipated beginning date for construction is: 2/14/2022

9. Plan Revisions.

   a. If the Developer proposes any revisions to the stamped approved plans, then two (2) copies of the revised plan must be submitted to the Municipal Engineer for review and approval. After the revised plan has been approved, the Developer will be required to provide an additional five (5) copies of the revised plan to RVE. Each sheet of these plans will be stamped "Approved for Construction" with red ink and distributed as described previously.

   b. The Developer is also required to notify the Conservation District of the revised plan and to satisfy any requirements imposed thereby.

10. Security Releases.

a. Before requesting a Security Release, the Developer or the Contractor shall review the completed quantities of work to be submitted with the Project Inspector. Only the quantities or work actually agreed upon with the Project Inspector may be submitted to RVE for a release or partial release of the security held by the Municipality.

b. The Developer must submit any request for Security Release using the exact item descriptions, quantities and unit prices from the Cost Estimate that was used for the Development Agreement for the Project, as amended.

c. If the Developer submits a request for Security Release that includes the partial completion of a Lump Sum item valued in excess of $5,000.00, then the Developer must also provide satisfactory documentation indicating the value of the completed portion of the Lump Sum item.

d. The Developer must submit any requests for Security Release directly to the Manager of Construction Inspection Services vie e-mail or mail.

e. Each Security Release must be recommended by the Municipal Engineer and then certified by the Municipality before being forwarded to the financial institution for release. Municipal meetings are held the 2nd and 4th Wednesday of each month. The Developer must submit any request for Security Release to the Manager of Construction Inspection Services at least (2) two weeks before the municipal meeting. If the Developer fails to submit their request to the Manager of Construction Inspection Services on time, then the Security Release may be delayed.

11. Permits; Contractor Licensing.

a. The Developer is responsible for identifying and obtaining all necessary permits and paying associated fees.

b. Contractors performing UCC regulated work on this Project must hold a valid Contractor License from the Municipality. If a Contractor is registered with the Pennsylvania Home Improvement Contractor (HIC) Registration Program they are not required to register separately with the Municipality for residential construction.

12. Access to Properties.

a. The work shall be restricted to the subject property and those areas delineated on the project drawings.

b. Prior to the Contractor entering any easement area or private property, written authorization must first be obtained. All requests for authorization to easements or private property shall be brought to the Municipality and RVE. The Municipality will determine the process of obtaining said authorization.

c. Access to private properties shall be maintained at all times.

d. Every effort shall be made to provide access to business during the businesses hours of operation.

e. As part of the Settlement Agreement, construction traffic is restricted from turning left onto Buck Road from the service road and is restricted from accessing Mill Pond Road. The Developer will send the proposed construction signage to RVE and the Township for approval.

13. Notice to Residents.

a. The Contractor is required to notify residents within two hundred fifty (250) feet of the project site by distributing door hangers at least forty-eight (48) hours prior to the start of construction activities. The Contractor is not required notify residents of additional work or additional phases of work taking place within an ongoing construction site.

b. The Contractor is required to distribute additional notices to all affected residents at least forty-eight (48) hours prior to the interruption of water and/or sewer service or any other action which would affect normal activities.

c. Copies of the door hangers must be submitted to RVE for approval before distributing.

14. Road Closures.

a. The Contractor is required to notify the Municipality at least forty-eight (48) hours prior to any road closure.

b. In the event of a road closure, the Contractor is required to submit a detour plan to the Municipality for approval. Detour plans must be submitted to the Municipality for approval at least ten (10) business days in advance of the planned road closure.

c. If parking restrictions are necessary, Contractor is required to submit a written request for parking restrictions to the Municipality at least seventy-two (72) hours prior to the start of the parking restrictions. The local police department shall authorize and/or post parking restrictions. Failure by the Contractor to properly arrange for parking restrictions to be posted may prevent enforcement and towing.

15. Existing Utilities.

a. The Contractor must call the Pennsylvania One Call System, Inc. at 811 (inside Pennsylvania) or (800) 242-1776 (outside Pennsylvania) at least three (3) full business days, but not more than ten (10) business days prior to the start of excavation. Each Contractor is required to comply with all provisions of Pennsylvania Act 287, known as the Underground Utility Line Protection Act.

b. If utility conflicts are suspected, the Contractor shall perform test pits to verify the existing conditions of underground utilities.

16. Site Safety Conditions.

a. The Contractor is reminded that safety on the Project site is their responsibility. The Contractor shall implement all necessary measures as necessary to ensure safety on the Project site.

b. The Contractor is required to follow all applicable OSHA and Municipal safety standards.

c. The Contractor is required to provide all maintenance and protection of traffic, as required by the applicable Traffic Control Plan or Pennsylvania Typical Application (PATA) standard application

figure in PennDOT Pub. 213. Flaggers at a minimum shall have the training as per the most current version of PennDOT Pub. 408, Section 901. Because flaggers are responsible for public safety and make the greatest contact with the public, it is essential to practice safe traffic control and public contact techniques.

17. Work Hours.

    a. The Contractor may perform work on weekdays (Monday through Friday), beginning at 7:00 AM and concluding no later than 8:00 PM each day, in accordance with the Municipality's ordinance requirements.

    b. With the prior approval of the Municipality, the Contractor may perform work on Saturdays, beginning at 7:00 AM and concluding no later than 8:00 PM, in accordance with the Municipality's ordinance requirements.

    c. The Contractor is prohibited from performing any work on Sunday or on any legal holidays recognized by the Municipality.

    d. Work performed after 8:00 PM on weekdays, during the weekend or on any legal holiday may require overtime inspections. The Developer is advised that they are responsible for paying premium inspection costs for overtime inspections.

18. Restoration and Maintenance of Property.

    a. The Contractor is advised that all disturbed areas must be restored to conditions that are the same or better than pre-construction conditions.

    b. The Contractor shall keep a neat, clean construction site. All construction equipment and materials are to be consolidated and stored in an orderly fashion throughout the duration of the project.

    c. The Contractor shall place trench backfill in eight (8) inch lifts and compact each lift using a jumping jack compactor, roller or other approved equipment. No clay, organic or wet material is permitted for backfill. The use of vibratory compaction equipment must be approved prior to use.

    d. The Contractor must maintain all temporary erosion controls on a regular basis. Remedial work is to take place immediately, especially before forecasted rain events. Additional erosion control measures may be required if the proposed measures prove inadequate.

19. Disposal of Spoils.

    a. The Contractor indicates that this Project will result in a balance of soils.

    b. The Contractor must dispose of any exported soil properly and in accordance with standards of the PA DEP.

20. As-Built Drawings.

    a. The Developer is required to provide As-Built Drawings to the Municipality prior to project closeout.

b. As-Built Drawings must include the horizontal layout of all improvements (e.g. buildings, curbs, sidewalk, edge of pavement, utility structures, storm water management facilities, underground utilities, lights, hydrants, etc.). As-Built Drawings must indicate the final elevations of buildings, utility structures (surface and all inverts), stormwater management facilities (basin invert, outfall, spillway, etc.).

c. The As-Built Drawings shall be provided to the Municipal Engineer in electronic .pdf format. As-Built Drawings may be generated by a new survey prepared of the Project as-built conditions or may be a mark-up of the approved plans for the Project. If a mark-up is provided, then the as-built conditions shall be clearly and accurately depicted in red.

d. If the Municipal Engineer determines that significant changes have occurred since the recording of the final plan for the project, the Developer may be required record the As-Built Drawings. In this case, the As-Built Drawings must be generated by a new survey prepared of the Project as-built conditions.

21. Comments from the Municipality.

    a. E. Carlson questioned what to do if trespassing occurs since neighbors are known to walk this property. K. McGovern noted that if site trespassing is occurring, to dial the non-emergency police line or 911 as appropriate.

22. Comments from the Conservation District.

    a. R. Krasselt notes a start date of 2/14/2022. B. Barland indicates revised plans were submitted to the district last week.

    b. R. Krasselt states to keep a copy of the NPDES permit with approved plans on site.

    c. Minor changes to the plan can be made as a field change. The plans should be redlined and BCCD and RVE notified. Major plan changes need to be submitted to BCCD for review.

    d. Sequence of construction must be followed. Construction entrances are needed on each lot.

    e. R. Krasselt stated self-inspection formers are required to be filled out and kept on site. BCCD will perform unannounced inspections.

    f. Final inspection will require 70% established cover.

    g. All contractors and subcontractors must be added to the permit as a co-permittee and should contact Rene Moyer with the form.

    h. R. Krasselt notes that if fill is brought in, clean fill certifications need to be provided.

    i. For the Notice of Termination, as-builts that are signed and sealed will need to be submitted. Holmes Cunningham will be present at critical stages.

23. Comments from the Developer & Contractor.

    a. E. Carlson notes that there will be a project Dropbox for storing project files.

b. Once final plans are approved and recorded, the group will be notified.

c. E. Carlson notes that there is one signature outstanding from the health department regarding the well closure. Once that is obtained, the demolition permit will be submitted.

d. B. McNeill noted that some E&S measures cannot be installed until some clearing occurs. R. Krasselt states this is okay as long as E&S measures are installed immediately following clearing.

24. The meeting began at 1:00 PM and was adjourned at approximately 1:40 PM.