

Bond Case Briefs

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Glencannon Homes Ass'n, Inc. v. North Strabane Tp.

Commonwealth Court of Pennsylvania - April 22, 2015 - A.3d - 2015 WL 1809237

Homeowners' association brought action against school district and township, asserting claims of negligence and violation of Storm Water Management Act (SWMA). After jury trial, the Court of Common Pleas entered judgment in favor of association but reduced damages. District and township appealed and association cross-appealed.

The Commonwealth Court held that:

- Limitations period for claims did not accrue until association discovered source of flowage and that sediment was emanating from outside association property;
- As a matter of apparent first impression, statutory cap providing that, in actions against local agencies, "[d]amages arising from the same cause of action or transaction or occurrence or series of causes of action or transactions or occurrences shall not exceed \$500,000 in the aggregate" allowed damages of \$500,000 against each individual local agency defendant;
- Award of damages to association on both its negligence claim and its claim for violation of SWMA was not duplicative;
- Whether township's improvements to street, including paving and addition of curbing, resulted in a dangerous condition, as could trigger utility service facilities exception to township's immunity under the Political Subdivision Tort Claims Act (PSTCA), was jury question; and
- Engineer's expert testimony for association was based upon adequate factual foundation and thus was neither speculative nor conjecture.