

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
July 27, 2010
Unapproved minutes
6:35 PM**

CALL TO ORDER, SILENT MEDITATION, AND PLEDGE OF ALLEGIANCE

IN ATTENDANCE: Chris Amentas, Chairman; Chris Makely, Vice Chairman; George Broadbent, Member; Gary Barach, Member; Vince Pompo, Solicitor; Jill Bukata, Township Manager and Treasurer; Chris Della Penna, Township Engineer; and Denise Miller, Township Secretary. Member Mark Toth absent.

EXECUTIVE SESSION: Mr. Amentas informed the public that there was a July 13, 2010 executive session regarding legal issues.

APPROVAL OF MINUTES:

June 22, 2010 minutes – Mr. Amentas moved to approve the June 22, 2010 minutes as presented. Mr. Makely seconded Mr. Amentas withdrew his motion. Mr. Barach moved to accept the June 22, 2010 minutes with the addition of “Mr. Barach opposed the Baron Crest motion because it did not address both neighbors concerns.” Mr. Amentas seconded. Vote: Unanimous.

CITIZENS BY REQUEST:

Buddy Rhoades – not present.

Brian Gathercole – Mr. Gathercole, representing the fire companies, presented the Board of Supervisors with a letter on the consolidation of Sadsbury, West Sadsbury, Parkesburg, Highland, and Atglen fire companies. Mr. Gathercole asked the Board of Supervisors to name a representative from the board, a community leader, and a township resident to represent East Fallowfield Township on the steering committee that will meet in August.

Mr. Gathercole informed the Board that Pomeroy Fire Company has already started their consolidation for the western part of the county.

Gerry McMahon of 112 Cumberland Drive – Mr. McMahon stated that he has run-off water that starts from 116 Cumberland Drive and crosses his property onto 108 Cumberland Drive and offered his help and money to work with the township to correct the run-off problem. Mr. Della Penna stated that water is coming down the road and accumulates where the swale is not capable of holding that much water. Mr. Barach stated in Mr. Della Penna’s letter it states the current design does not conform to the approved plans. Mr. Della Penna replied that the development was built in the 1970’s and over time the swale has ceased to work correctly. Mr. Amentas asked if the resident responsible for the swale if it’s on their property. Mr. Della Penna replied that these are road side swales in the township right-of-way therefore it is the township’s responsibility. Mr. Amentas asked for direction from Mr. Pompo. Mr. Pompo replied that generally speaking if the water is coming off of the road and channeled along the swale in the road and the road is owned by the township it is the township’s responsibility. Mr. Della Penna will provide Mr. Pompo a copy of the plans for further review.

TREASURER’S REPORT:

June 30, 2010 financial report - Jill Bukata presented the financial report, payment authorizations, forecast, and projection reports.

The summary of revenue over expenses reflects \$283,555.22 of revenues in excess of expenses year to date for the general fund.

Cash balances are as follows:

From the General Fund	\$493,045.99
From the Liquid Fuels Fund	\$342,788.20
From the Capitol Project Fund	\$510,973.72
From the Escrow and other accounts	\$702,734.99

Approximately \$292,536.00 is segregated for West Chester Road and developer fund for the total cash of \$2,049,542.90.

The Park and Recreation Commission balance review has been completed and will be reviewed by Mr. Barach. The General Fund owes the Park and Recreation Commission account approximately \$73,000.00.

Payment authorizations for the period of June 23, 2010 thru July 27, 2010

From the General Fund	\$105,563.60
From Liquid Fuels Fund	\$ 25,679.41
From the Escrow Account	\$ 10,815.17
From the Park and Recreation	\$ 197.33
Payroll transfers	\$108,913.15
From the General Fund (addendum)	\$ 1,445.48

Forecast as of June 30, 2010 – The forecast as of June 30, 2010 reflects six months of actual expenses and projects for the next six months to provide an estimate of the final profit or loss for the year. \$287,841.00 was budgeted a loss with the actual loss for the year being \$440,526.00.

Cash flow projection - The cash projection shows that the general fund will run out of cash in December 2010.

Mr. Barach asked Mrs. Bukata to aggressively get the unpaid escrow money due to the township.

Mr. Broadbent asked about the intergovernmental revenue section in the forecast. Mrs. Bukata replied that it is for the Cardinal Drive sewer project at \$104.00 per permit application.

Mr. Amentas made a motion to approve the treasurer’s report as presented. Mr. Broadbent seconded. Bob King asked if the township will hold back on large purchases and will overtime be cut back. Mrs. Bukata replied there are no major purchases planned at this time and overtime is being controlled. Mr. Amentas stated that the township will have to make some difficult choices to cut back in township spending. Mr. Barach stated that the township forecasted close to the budget and some of the escrow receivables that were counted on were not received. Garth Monaghan asked if the township was still receiving \$1,500.00 per water/sewer hook-up from Pennsylvania American Water Company. Mrs. Bukata replied “not many hook-up permits” and “the fee doesn’t pertain to the Cardinal Drive sewer project.” Mr. Amentas called for a vote: Unanimous.

Mr. Amentas made a motion to approve the payment authorizations as presented by the township treasurer. Mr. Broadbent seconded. Vote: Unanimous.

PLANNING COMMISSION:

At the June 7, 2010 Planning Commission meeting, the Planning Commission voted unanimously to recommend final plan approval of the Real Estate Finders, LLC Abrahams, plans to the Board of Supervisors – The conditional use decision is moved from legal issues so a decision can be made on the very steep slopes for Lot #1 before the final plans are approved. Mr. Amentas stated that he is not entirely convinced the applicant made their case that no alternative means were feasible and the township should not over look the ordinance regarding steep slopes. Mr. Pompo stated that the application relates to

improving the site distance for an existing driveway not a proposed new driveway. The evidence also showed that it was at PennDot's persistence that this disturbance occur to improve the site distance for the existing driveway. Mr. Pompo also stated if it was to enable a new driveway or new road the level of proof would be much higher. Mr. Pompo also noted the finding of fact that issue #13 incorrectly used the word "proposed driveway" as opposed to "existing driveway" and recommends the change for historical purposes, so it's clear that the finding relative that this is the only feasible location has to do with the existing condition and not the proposed condition. Mr. Pompo informed the Board of Supervisors that Real Estate Finders had comments to condition #2 which requires the applicant to go back before the Historical Commission and demonstrate that the plan has been revised to meet the condition and condition #3 which requires them to demonstrate the existing driveway provided adequate emergency access to the satisfaction of the Fire Chief. At the hearing evidence was not presented that both conditions were addressed. Mr. Pompo informed the Board of Supervisors that Mr. Reagan, fire chief, has signed off on the emergency access and recommended changing condition #2 and #3 and instead of saying "final land approval" say "condition of final land approval."

Mr. Amentas made a motion to approve the Decision and Order in connection with the application of Real Estate Finders for Conditional Use Approval, C-3-10, with the modification changing the language in condition #13 from the "proposed driveway" to the "existing driveway" and section 4 item #2 to final plan approval conditioned upon the Historical Commission and township engineer's approval with regards to item #3 final plan approval conditioned upon the applicant demonstrating that the existing driveway provides adequate emergency access to the satisfaction of the township fire chief. Mr. Broadbent seconded. Vote: Unanimous.

Mr. Amentas made a motion to approve the Real Estate Finders, LLC, Abrahams, final plans contingent upon a clean letter from Mr. Della Penna and the Historical Commission. Mr. Barach seconded. Mr. Broadbent asked if the proposed light located at the corner of Lily Rose Lane and Strasburg Road on private property or in the township right-of-way. Mr. Della Penna replied that the plan shows the light at the north west corner of Lily Rose Lane outside of the township right-of-way. Mr. Broadbent also asked who will maintain the light and does the plan show where the power for the light is coming from. Mr. Sauselein, E.B. Walsh & Associates, stated the plan does not currently indicate the wiring and the ownership of the light. It was intended to reside within the right-of-way offered for dedication but if the board has a problem with it they can take it off the plans or approve it on private property making the maintenance the owner's responsibility.

Mr. Makely inquired who will do the maintenance, because it can be costly, of the basins and will something be put in writing. Mr. Sauselein replied "the resident's responsibility" and the basins are not elaborate mechanical systems and there are standard notes on the plans reviewed in detail by the township engineer, the Chester County Conservation District, and the Chester County Department of Environmental Protection. Mr. Makely asked if there is a basin that two homes share. Mr. Sauselein replied "correct." Mr. Pompo asked how that conflict was resolved. Mr. Sauselein replied "it is equally shared among the homeowners." Mr. Amentas asked if all the basins are retention basins. Mr. Sauselein replied "they are a combination of detention and recharge basins." Mr. Pompo asked if there is a sheet on the recorded plans that would give instructions "in laymans terms" as to how a homeowner is to maintain the structure. Mr. Sauselein replied much of the language is "boiler plate language" that was developed by the Chester County Conservation District and Department of Environmental Protection. Mr. Pompo asked how a second generation owner would know about their basin responsibilities. Mr. Sauselein replied "the record plan would be part of the deed that passes on through the generation." As far as pointing out the particulars to the property owner it would start first and foremost with the initial builder of the project. Mr. Pompo asked if Mr. Sauselein agreed that minimally there should be a separately recorded document titled "stormwater maintenance and operational requirement" that would detail what the homeowner needs to do and that would be a separate document recorded against that lot so at minimum if someone would do a title report a separate document will come up on that title report. This document would be applicable to "each" of the lots with the facilities or "all" of the lots. Mr. Della Penna stated it could be added as a condition but note #36 of the plan already says that it's a requirement of the township zoning ordinance and reads "a stormwater management facility maintenance agreement shall be executed and recorded by each property owner on which a permanent stormwater BMP is located. Disclosure of this requirement shall be made to

each potential property owner.” Mr. Barach asked if there is an “overflow discharge basin.” Mr. Sauselein replied there are larger basins to handle significant drainage areas as well as individual on lot seepage bed that handles runoff from individual lots. Mr. Barach also asked where is the over flow going from the basin on Strasburg Road. Mr. Sauselein replied “it goes into the road side swale, which is a PennDot owned and maintained facility as part of their Highway Occupancy Permit obtained and ultimately they will require a culvert under the existing driveway subject to the conditional use.” Mr. Makely asked if the filter bag and filter sediment bag used during construction to pump water and then remove them. Mr. Sauselein replied “typically it is a construction feature” and there are no permanent features on the plan. Mr. Makely asked about the maintenance of Lot #11. Mr. Sauselein replied its part parcel to that lot, the formal lot just being north of what you may refer to as a “remnant piece” that is along the proposed cul-de-sac and all maintenance is the responsibility of the homeowner. Mr. Makely asked Mr. Sauselein if his company would object to the township engineer monitoring the construction of the basins and their stormwater management plan. Mr. Sauselein replied “there is an escrow in place for inspection fees.” Mr. Pompo stated that the township is looking for a more heightened level of inspections during construction of the basin. Mr. Sauselein replied that there are notes on the plan that state “after every storm event the contractor shall inspect the temporary and permanent stormwater management facilities” but cannot agree to a “heightened level of inspections” on behalf of the owner. Mr. Amentas inquired on the escrow percentage for inspections. Mr. Della Penna replied “usually 5% of the cost of the approvals.” Mr. Sauselein stated that you can re-establish the fee on a yearly basis based upon a percentage upon where the completion of the project is. Mr. Makely inquired on how much the township compensation from liquid fuels is. Mr. Barach replied “it’s based on the linear footage of the road.” Mr. Barach asked what the Planning Commission and the Historical Commission recommended about the light. Mr. Monaghan replied “both Commissions did not want the light.” Mr. Amentas withdrew his motion. Mr. Makely made a motion to accept the final plan for the Real Estate Finders, LLC 11 parcel subdivision based upon a clean letter from Chris Della Penna and the Historical Commission. Mr. Makely withdrew his motion. Mr. Barach made a motion to approve the Real Estate Finders final plan contingent upon the applicant accepting the recommendation of East Fallowfield Historical Commission and Planning Commission with respect to the light. Mr. Makely seconded. Conrad DeAbreu stated that PECO has a plan where the homeowner pays them a flat rate for their light and PECO does the maintenance. Vote: Unanimous.

At the July 12, 2010 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Board of Supervisors the installation of the flashing light at the school zone for South Brandywine Middle School – Mr. Monaghan, Planning Commission member, informed the Board of Supervisors of their recommendation to install a flashing light for South Brandywine Middle School. Mr. Amentas asked the length of the school zone. Mr. Brian Bingeman, K&W Engineers, replied it would be along the frontage of Strasbrug Road and Doe Run Road. Mr. Bingeman asked the Board of Supervisors to approve a Resolution for the flashing lights. Mr. Pompo asked if the permit is approved in the name of the township and is the district taking on the maintenance. Mr. Bingeman replied “they are solar lights.” Mr. Amentas made a motion to approve Resolution 2010-07 allowing flashing warning devices at South Brandywine Middle School school zone. Mr. Makely seconded. Vote: Unanimous.

Tiffany Sprows Day Care application - The Planning Commission is recommending a letter from the homeowners association. Tiffany Sprows informed the Board of Supervisors that she went in front of the zoning hearing board for a parking variance and will handle the homeowner association letter on her own time.

At the July 12, 2010 Planning Commission meeting, the Planning Commission voted unanimously to recommend to the Board of Supervisors their approval for East Fallowfield Elementary School modules contingent on a clean letter from Chris Della Penna – Mr. Monaghan informed the Board of Supervisors that South Brandywine Middle School would like to move modules to East Fallowfield Elementary School. Mr. Makely inquired about the procedure to put in a module. Ken Johnson, Gilbert Architects, replied that anytime you put a classroom module in you have to apply for a permit, have code inspections, and you also have safety issues. The plan has already been sent to the township Fire Marshall. Mr. Amentas is concerned that there needs to be more approvals before the modules can be approved. Mr. Bingeman asked the Board of Supervisors to waive the land development management plan. Mr. Amentas asked Mr. Monaghan if it’s the Planning Commission’s recommendation to waive the land development management plan.

Mr. Monaghan replied "that is their recommendation to the Board of Supervisors." Mr. Broadbent made a motion to waive the land development process for the installation of additional module classrooms at East Fallowfield Elementary School with the provision that all normal inspections and processes are completed and a clean letter from Chris Della Penna prior to installation. Mr. Makely seconded. After board discussion Mr. Broadbent withdrew his motion. Mr. Amentas made a motion to waive the land development ordinance with respect to four additional modules at East Fallowfield Elementary School with all other applicable requirements remaining in effect. Mr. Makely seconded. Vote: Unanimous.

HISTORICAL COMMISSION:

Mr. Garth Monaghan, Chairman, informed the Board of Supervisors that the Historical Commission voted to recommend that Real Estate Finders and Cingular Wireless move forward with their projects. Mr. Makely asked Mr. Monaghan to stop by the township office and pick up a letter from PennDot regarding the Mortonville Bridge. Mr. Monaghan replied "he will."

SOLICITOR REPORT:

Delaware Valley Health Insurance Trust ordinance advertisement – Mr. Amentas made a motion to advertise the Delaware Valley Health Insurance Trust ordinance, pursuant to the PA Intergovernmental Cooperation Law, to permit the participation of East Fallowfield Township in the plan. Mr. Makely seconded. Bob King asked about the savings of this plan and other comparable insurances. Mrs. Bukata replied "\$46,000.00 the first year." Vote: Unanimous.

Mr. Amentas called for a five minute break.

Advertisement of the trash contract – Mr. Amentas made a motion to advertise the bidding of the East Fallowfield Township trash contract. Mr. Makely seconded. Mr. Amentas asked when the current contract expires. Mrs. Bukata replied "October 1, 2010." Carol Reardon asked if recycling could be picked up weekly. Mr. Makely replied "that has been considered." Vote: Unanimous.

Act 46 – verification fees and application fees for extension requests – A resolution of East Fallowfield Township adopting pursuant to Act 46 of 2010, a fee for providing written verification of the granting of approval and the approvals extending expiration dates for building permits, land development, and conditional use. Mr. Makely made a motion approving Resolution 2010-08 approving verification fees and application fees for extensions to permits that expire after July 1, 2013. Mr. Amentas seconded. Vote: Unanimous.

Chief Administrative Officer of the Pension Plan – Mr. Makely made a motion appointing Jill Bukata as the Chief Administrative Officer of the East Fallowfield Township Pension Plans. Mr. Broadbent seconded. Mr. Barach asked what the responsibilities are. Mrs. Bukata replied "she was not sure." The Board of Supervisors instructed Mrs. Bukata to find out the responsibilities and then inform them. Mr. Barach abstained. Vote passes.

LEGAL ISSUES:

Steve Gallo – Mr. Gallo, Rouse Chamberlain, provided the board with the latest update on the Providence Hill Development and reviewed Mr. Della Penna's July 21, 2010 report. Mr. Gallo stated last year one of the key hold ups was a problem with two of the infiltration systems. After a percolation test for an evaluation was performed, their engineer prepared a revised design approved by Mr. Della Penna, the Department of Environmental Protection, and the Conservation District. Also some reconditioning was performed in the summer. Mr. Pompo asked given that the work will be completed right before acceptance of dedication, is there a need to have more of an escrow, for this particular work, than the normal 15% of the maintenance. Mr. Gallo replied that the maintenance bond dollars would be there. Mr. Della Penna stated the maintenance bond is 15% of all the inclusions involved so a portion of the 15% would pertain to the basins. Mr. Della Penna also stated he has been monitoring the basins and they have been working properly. Mr. Gallo commented that the basins should be monitored throughout the maintenance period. Mr. Pompo stated that he would like the maintenance agreement signed, sealed, and delivered at the time of dedication. Mr. Broadbent asked if the handicap ramps should be a condition upon approval. Mr. Pompo

replied “it could be added to the agreement.” Mr. Amentas asked if its correct that Rouse Chamberlain agreed to address certain areas of the” common areas” of the development that are having difficulties. Mr. Gallo replied “he believes that is their agreement with the homeowner association.” Mr. Amentas also stated the new items should be addressed to the satisfaction of the township engineer and the homeowners association (HOA) before dedication. Mike Honan, Rouse Chamberlain, asked if a letter from Mr. Della Penna and the HOA two weeks before dedication is acceptable. The Board of Supervisors agreed. Mr. Amentas asked if the handicap ramps required by the “Americans with Disability Act.” Mr. Honan agreed to put the handicap ramps in thirty days beyond post dedication.

Opposition to forced Local Government mergers and Consolidations – The Board agreed to table this until next month’s meeting.

AT&T/Verizon (Vermeil) Conditional Use Decision - Mr. Pompo presented the AT&T/Verizon proposed Conditional Use Decision for the reconstruction of the existing 140 foot lattice wireless communication tower located on Fairview Road on the Vermeil property and authorized the installation on that tower of the movement of AT&T’s existing antennae’s that are on the existing tower and approved the co-location of antennae’s for Verizon on the tower. Mr. Pompo stated he made some minor changes to the July 27, 2010 draft. Essentially in the proposed decision there is a recommendation that the application granted, there were some legal issues concerning what other approvals would be necessary as a matter of zoning given the proposals on the table. In examining the zoning ordinance it appears in order to alter a non-conforming structure which includes the existing tower and the existing equipment building that you need to obtain a special exception from the zoning hearing board in order to accomplish those under the zoning ordinance so at a minimum there would need to be a special exception application. Relative to the height of the two proposed buildings there would be a need for a variance for a height that exceeds 8 feet. There also was a issue concerning the location of the second proposed building that is within the front yard setback, based on case laws provided by Attorney Mr. Schubert, applicant Counsel. Mr. Pompo stated he does not believe a variance is required for the placement of the second building within the setbacks because it’s an accessory building and setbacks further than the existing non-conforming accessory building. Therefore the draft decision before the board indicates that the applicant is required to obtain these approvals. Mr. Pompo also read the conditions from the July 27, 2010 decision and order draft. Mr. Amentas read finding and fact #17 and #18 and is not sure the Board of Supervisors are qualified to “find these facts” but they can accept the testimony and the evidence of the applicant and suggested in future decisions to phrase it to make it clear that the Board is relying on the evidence presented as opposed to their own interpretation. Mr. Pompo stated “the finding of facts” are essentially to support a decision granting the relief and feels that a court would agree if this decision would be appealed by a third party that there is substantial evidence on the record that support that finding. Mr. Schubert stated that he reviewed the decision and order from Bob McClintock, last week, and had the opportunity to review and discuss it with Mr. Pompo. The only issue that they agreed upon is with the issue with the second Verizon building that they do not need to get a variance for having it located in the front yard setback but on page 11 it states “the applicant is required to obtain a variance.” Mr. Pompo agreed. It also appears under condition #15. Mr. Schubert also stated that he reviewed the conditions with the co-applicants and they are all satisfied with the conditions. Mr. Barach made a motion to approve the July 26, 2010 draft Decision and Order C-1-10 with the revisions stated from the previous discussion and what was articulated by Mr. Schubert. Mr. Broadbent seconded. Mr. Barach withdrew his motion. Mr. Amentas made a motion that the Board adopt Decision and Order C-1-10 granting the application of New Cingular Wireless for conditional use approval as reflected in the Solicitors draft dated July 26, 2010 with the revisions stipulated to between the township solicitor and Mr. Vermeil’s Counsel Mr. Schubert. Mr. Makely. Vote: Unanimous.

Mr. Amentas called for a 5 minute break.

John Pia Decision and Order – Mr. Pompo presented the board with the Decision and Order draft dated July 16, 2010 for the conditional use for the disturbance of steep slopes for the construction of the proposed driveway to the proposed house on the Pia property. This project received approvals from the Zoning Hearing Board for variances which is now on appeal with the Chester County Court of Common Pleas filed by the applicant. The proposed decision would grant the applicant subject to certain conditions. Finding and fact #20 in the draft decision is a proposed finding that the proposed location and layout of the driveway is

the only feasible location to avoid greater disturbance of steep slopes and meet the conditional use standards in the Zoning Board notes. One of the board members raised the question if the applicant had proven that at the conditional use hearing. Mr. Pompo stated he did not hear substance of testimony to that effect and has more objection to removing finding and fact #20. Mr. Pompo presented the conditions to the board. Mr. Makely made a motion to accept the Decision and Order C-2-10 for the application of the Estate of Louis Pia to approve the conditional use Solicitor's draft July 28, 2010. Mr. Broadbent seconded. Mr. Amentas stated he does not believe the evidence has been satisfied for the steep slopes. Ed Chance presented the board with a section of the 2006 Community Courier stating lot #36 Perry Court is for sale, passed percolation tests, and ready to go. Mr. Della Penna questioned #3 and if the applicant has to go before the Board of Supervisors for approval before issuance of a building permit. Mr. Makely replied "yes they should." Ed Chance asked if it is normal that the applicant is not present during a decision and order and was anything unethical or illegal done in this process. Mr. Amentas replied that the applicant may not have known he was on the agenda and he cannot answer regarding the unethical or illegal question. Mr. Della Penna questioned #5 and how will it be determined that any tree with an 8" or greater dbh is on the property. Mr. Makely withdrew his motion. Mr. Broadbent recommended changing condition #3 to add the Board of Supervisors and add to #5 the applicant shall provide a survey tree inventory of all trees with 8" or greater dbh within the limit of disturbance of the property. Mr. Amentas asked about the trees already disturbed. Mr. Makely replied that Mr. Della Penna will have to go out and do an inspection to see if there are any violations. Mr. Della Penna stated once he gets the tree survey he will walk the site and do a comparison. Mr. Amentas stated that paragraph 20 should be started with the statement "the applicant has not established to the Board's satisfaction to the conditional use standards." Mr. Amentas asked is there any means where you could receive testimony for the record on this issue. Mr. Pompo replied you could rewrite the finding of fact adding they haven't shown that, adding the inclusion of law that says their burden to do it or grant them a reprieve subject to a condition outside of the conditional use proceeding where the applicant has to come forth to the board with evidence that shows that for emergency management purposes this alternative driveway is not feasible. The Board agreed to take a brief recess on this matter and move onto the Park and Recreation Commission.

Mr. Pompo suggested adding an additional finding of fact #20 "the applicant presented evidence of an alternative location for the driveway to avoid the disturbance of steep slopes, but testified without support that the alternative location was not acceptable to emergency management officials", redraft existing #20 now #21 to read " The applicant has not provided substantial evidence that the proposed location and layout of the proposed driveway is the only feasible location to avoid greater disturbance to steep slopes and meet the conditional use standards of the zoning ordinance", add #5 "the applicant did not meet its current proof that the location of the proposed driveway is the only feasible location to avoid disturbance of steep slopes", and add a new condition #2 "The Applicant shall submit evidence to the Board of Supervisors demonstrating that the alternative driveway routing in not feasible due to emergency access concerns, to the satisfaction of the Board of Supervisors." Also include the other changes to former condition #3 and #5 concerning the tree survey. Mr. Amentas made a motion approving the Decision and Order C-2-10 for the application of the Estate of Louis Pia with Mr. Pompo's changes. Mr. Makely seconded. Ed Chance asked if the applicant needs to go before the Zoning Hearing Board again. Mr. Pompo replied at the present time the applicant is appealing the Zoning Board's decision. At the last hearing Mr. Burke said he would like to get the Board of Supervisors to make resolution on the appeal. Vote: Unanimous.

PARK AND RECREATION COMMISSION:

July 2010 report – The July 2010 Park and Recreation report was presented.

Portable toilet visibility block -Mr. Amentas made a motion approving the Park and Recreation Commission to erect a portable toilet visibility block with the Park and Recreation matching \$250.00 from the Park and Recreation donation fund. Mr. Makely seconded. Vote: Unanimous.

Brian Carling informed the Board that they never received as-builts for the stormwater drawing permit update for the boardwalk project and asked the Board to look into the dispute with Simone Collins.

POLICE DEPARTMENT:

June 2010 police report – The June 2010 police report was presented.

Chief Porter reported that he completed the LEEDS program.

Mr. Makely asked the Board if they would consider the police department checking to make sure residents have permits when they see work being performed. The Board agreed to put this matter on hold.

PUBLIC WORKS DEPARTMENT:

June 2010 road and vehicle reports – The June 2010 road and vehicle reports were presented.

EMERGENCY SERVICES:

June 2010 Pomeroy report – The June 2010 Pomeroy report was presented.

June 2010 Modena report – The June 2010 Modena report was presented.

UNFINISHED BUSINESS:

No unfinished business presented.

NEW BUSINESS:

Coatesville Area School District extension – Mr. Amentas made a motion to extend the Preliminary Land Development Plan for the new South Brandywine Middle School until October 5, 2010. Mr. Makely seconded. Vote: Unanimous.

PUBLIC PARTICIPATION:

A resident asked if a letter was going out to the Cardinal Drive sewer project about the extension. Mrs. Bukata replied that a letter will go out this week.

ADJOURNMENT: Mr. Amentas made a motion to adjourn the Board of Supervisors meeting at 11:25 PM. Mr. Broadbent seconded. Vote: Unanimous.

Respectfully Submitted,

Denise Miller,
Township Secretary