

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
FEBRUARY 4, 2008**

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Conklin with the pledge of allegiance and the customary moment of silence. A quorum of Supervisors was declared. The following Township Officials were in attendance:

John Conklin	-	Chairman, Board of Supervisors
William Kirkpatrick	-	Vice-Chairman, Board of Supervisors
Al Bush	-	Member, Board of Supervisors
Thomas Nelling	-	Chief of Police
Dr. Robert Reder	-	Recreation, Park & Open Space Committee Member
Quina Nelling	-	Secretary/Treasurer

Mr. Kirkpatrick moved to approve the January 21, 2008 minutes as written. (Approved all in favor.)

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$15,024.12. Sewer Fund bills totaled \$5,253.81. (Approved all in favor.)

Chairman Conklin announced that the Board of Supervisors had met in executive session prior to tonight's meeting to discuss personnel matters.

**CAROUSEL HYUNDAI SKETCH PLAN**

Jim Diskin, owner of Carousel Hyundai, 1360 Wilmington Pike, was present with legal counsel, John Jaros, and engineer, Jim Eder of Chester Valley Engineers, to discuss proposed changes to the property. Two parcels totaling 5.8 acres are owned by the Diskin Family. The property was purchased in 1997 from Vincent Piazza, who was operating as VMDT Partnership. The property is zoned C-2. The zoning on the property was changed from C-1 to C-2 in 1998. In July 1986 a special exception was obtained to use the property as an automobile sales and service center. This use is currently permitted by ordinance as a conditional use. Jim Diskin's mother, who is part owner, resides on Meetinghouse Road. The plans were reviewed by the Planning Commission at their December 11, 2007 meeting. A meeting was also held with the Township Engineer, Jim Hatfield, in October.

The Plan proposes additional impervious coverage to the property. There is a 50% maximum impervious lot coverage allowed on the site. This property, as well, as other properties in the vicinity, exceeds this percentage requirement. Pictures of the property as it currently exists, as well as pictures of the proposed improvements on the lot, were provided to the Board. Mr. Jaros understands that the handling of the stormwater on the property needs to be addressed.

Jim Eder said that additional impervious cover is proposed on the most southern lot. There is a large swale on this property that parallels Rt. 202. This swale handles the stormwater for this property as well as the two properties to the north. The stormwater runs into a depression along the southern edge of the property and to pipes that currently run underneath Rt. 202 to the Shoppes @ Dilworthtown Crossing, across the street. Mr. Eder did not know what happens to the water after it crosses Rt. 202.

The proposed plan would involve paving over the drainage basin to the south of the building and would address the stormwater runoff underneath the basin. The rate of the water flow would be controlled with an updated modern design. Soil testing will be done to determine the infiltration component. The plan would handle the stormwater from the two Diskin lots as well as the Mazda Dealership. The proposed system will go deeper and the pipes will be larger. The stormwater design will address rate reduction and infiltration. It will be designed for a 100 year storm.

The existing paving on this parcel is under the 50% impervious requirement. However, there are stones in the back of the building and stones are now included in the impervious calculations, which results in the existing property being over 50% and therefore a non-conforming lot. The parking spaces being proposed would raise the impervious cover to 72+%. The adjacent Diskin owned property to the north is currently 85%.

Mr. Diskin proposed the installation of new fencing and landscaping along the Faucett Drive properties to the rear. Lighting and shielding opportunities will also be considered. He said that he has had difficulty getting another franchise into the building on the other parcel because of the manufacturers' strict parking requirements. This building is currently used for overflow and detailing.

Mr. Jaros explained that Mr. Diskin will need a variance from the Zoning Hearing Board in order to go forward with the proposed plan. He was looking for support from the Board. The intent is to beautify the site while addressing and hopefully improving the stormwater run-off.

Dr. Reder asked if a retaining wall will be required along Rt. 202? Mr. Eder replied that it is a possibility, but it probably won't be needed as there is about 50' from the PennDOT right-of-way which can be graded to hopefully avoid the need for a retaining wall. If needed, it will only be a couple of feet in height.

In response to Mr. Kirkpatrick, Mr. Eder said that the widening of Rt. 202 should not affect the project.

Mr. Kirkpatrick encouraged Mr. Diskin to go forward with the application to the Zoning Hearing Board in order to achieve a better looking commercial district. However, stormwater is a major concern and it will have to be satisfactorily addressed. Chairman Conklin concurred that there appeared to be no objection from the Board in Mr. Diskin pursuing an application to the Zoning Hearing Board.

**SANDY HOLLOW LEASE**

Chairman Conklin reported that the Recreation, Park & Open Space Committee (RPOS) is in the process of negotiating a lease for farming the interior portion of Sandy Hollow Park. The intent for the area is open space preservation. It is not a large money maker for the Township but there are a couple of farmers interested in a lease option. RPOS has marked up the old lease with some proposed changes to the document.

**HEARING REQUEST FROM MARK & THOMAS BEDWELL**

The Township is in receipt of an application dated January 31, 2008 from Mark and Thomas Bedwell, d/b/a 1380 Partners, for an appeal to the revocation of the sanitary sewer permit issued for the property. On January 4, 2008, the Township Zoning Officer, Joseph Sofranko, revoked the permit because the proper easement for the sanitary sewer lateral installation crossing of neighboring properties does not exist. Chairman Conklin moved to schedule a hearing on the appeal for Monday, March 3, 2008 at 7 PM. (Approved all in favor.) Mrs. Nelling will schedule the court reporter for the hearing.

**POLICE REPORT**

Chief Nelling reported for the month of January 2008. There were 930 incidents during the month. There were 9,445 patrol miles logged on the vehicles during the month.

Chief Nelling informed the Board of an assault on a police officer during a traffic stop. There was a foot pursuit. The subject was taken into custody. There were no injuries.

Chief Nelling said that the police department bought an advanced taser M26 and X26 in December. He asked the Board to pass a resolution to add the taser to the weapons section of the rules and procedures of the police department manual. Chairman Conklin moved to adopt Resolution #080204 to amend the Police Policy Manual for the Police Department, adopted by the Supervisors on February 7, 2000. The amendment will add a Section 464. – Weapons – Advanced Taser M26 & X26 to the Rules and Procedures of the Policy Manual. (Approved all in favor.)

**TREASURER’S REPORT**

Sect./Treas. Nelling reported for the 2007 calendar year. Financial reports have been provided to the Board of Supervisors and are available to the public upon request. Financial information has been provided to the auditor, Tim Umbreit, to perform the 2007 audit. W-2’s and 1099’s have been printed and distributed. During the budget process the Board is conservative in budgeting revenues. The budgeted expenditures cover the necessary operating expenses with normal increases but no excess. The 2007 statement of revenues and expenditures demonstrate that the budget process is working as intended.

	<u>ACTUAL</u>	<u>BUDGET</u>
2007 General Fund Total Revenues	\$1,918,877.	\$1,566,937.
2007 General Fund Total Expenditures	\$1,279,567.	\$1,360,736.
Fund Balance	\$ 639,310.	\$ 627,000.

<u>2007 General Fund Revenues</u>	<u>ACTUAL</u>	<u>BUDGET</u>
Real Estate Transfer Tax	\$ 389,940.	\$ 170,000.
Vehicle Code Violations	\$ 102,288.	\$ 42,000.
Building Permits	\$ 33,034.	\$ 15,000.

<u>2007 General Fund Expenditures</u>	<u>ACTUAL</u>	<u>BUDGET</u>
Police Department	\$ 497,994.	\$ 518,280.
Snow Removal	\$ 66,831.	\$ 93,000.

	<u>ACTUAL</u>	<u>BUDGET</u>
2007 Sewer Fund Total Revenues	\$ 831,228.	\$ 709,094.
2007 Sewer Fund Total Expenditures	\$ 342,578.	\$ 348,100.
Fund Balance	\$488,649. (capital reserve)	

Mrs. Nelling said that there was not a road program in 2007, so there was \$109,123. carried forward into 2008 for this year's road program.

Mr. Kirkpatrick moved to accept the Treasurer's Report as presented by Mrs. Nelling. (Approved all in favor.)

### **PUBLIC COMMENT**

Dr. Reder reported a grid lock in the Sandy Hollow parking lot over the weekend on Sunday at 2:45 PM.

Mrs. Nelling said that in the Township newsletter there was an article on volunteering. Mark Landon, General Howe resident, was present and had contacted the Township Office about volunteer opportunities.

Harry Miller, Bottom Lane resident, complimented Mr. Kirkpatrick on the well written article in the newsletter on the changes in permitting requirements.

The meeting was adjourned at 8:15 PM. (JLC)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer