

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
APRIL 7, 2008**

The regular meeting of the Board of Supervisors was called to order at 7:34 PM in the Township Building by Chairman Conklin with the Pledge of Allegiance followed by a 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
Lloyd Roach	-	Emergency Management Coordinator
Doug Marshall	-	Planning Commission Member
Michael Langer	-	Recreation, Park & Open Space Committee Chairman
Dan Hill	-	Recreation, Park & Open Space Committee Member
Carol Leeson	-	Recreation, Park & Open Space Committee Member
Dr. Robert Reder	-	Recreation, Park & Open Space Committee Member

Mr. Bush moved to approve the March 17, 2008 minutes as written. (Approved all in favor.)

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$37,617.60. Sewer Fund bills totaled \$6,535.66. (Approved all in favor.)

APPOINTMENT OF PLANNING COMMISSION SECRETARY

Mrs. Nelling advised that the Planning Commission Secretary, Karen McFadden, was resigning her position due to her acceptance of full-time employment. With her home responsibilities and a new full-time job she did not think she would have the necessary time to devote to the Planning Commission. In the 2008 winter newsletter the Township had asked for volunteers. Mary Pat McCarthy, Adams Way, had called the Township about volunteering. She was informed of the opening on the Planning Commission and she was willing to serve in that capacity with the hope of being able to serve on a committee in the future. The Supervisors interviewed Mary Pat McCarthy prior to tonight's meeting. Chairman Conklin moved to appoint Mary Pat McCarthy as Planning Commission Secretary at a compensation rate of \$100./meeting attendance and minute preparation. (Approved all in favor.)

RECREATION, PARK & OPEN SPACE (RPOS) COMMITTEE REPORT

Michael Langer thanked the RPOS members who all showed up on March 29th for the clean-up day at Sandy Hollow Park. Chairman John Conklin was also in attendance. Chairman Conklin acknowledged the help from family members of the committee: Robert Reder's daughter, Emma, Greg Kurey's daughter, Meredith, Michael Langer's daughter, Jennifer, and Dan Hill's son, Dana.

Mr. Langer reported that RPOS is working on the Birmingham Hill (O'Dell property) trail grant project. There has been a walking inspection of the project site. The committee is working with David Shields of the Brandywine Conservancy to identify the various elements of the project. Costs for archaeology and engineering work will not qualify under the scope of the grant.

Chairman Conklin explained that the grant is a 50% match for \$80,000. in expenditures. The Township is prepared to spend more than \$40,000. on the project to cover the additional expenditures not covered by the grant. Surveying is also not a covered expenditure.

Supervisor Bush asked about a time schedule for the project. Dan Hill has prepared a draft chart of tasks which includes preparation, plan approval, and implementation for the project.

Project timing was discussed. Ideally, RPOS would like this project completed by the winter of 2008/2009. David Shields explained that the County requirement is for this time line to be followed. However, an extension could be requested. The grant funds have to be spent within three years.

Doug Marshall asked if the trail configuration has changed. Michael Langer said that the location for the trail has not changed. Chairman Conklin said that plans for the project have not been submitted to the Board.

Supervisor Kirkpatrick asked about the extension of the trail onto the Worth property. David Shields said that the Township and the County have been granted a trail easement on the Worth property, which is part of the trail plan project. The project is being done in phases. The current phase does not include crossing Birmingham Road to access the Wylie and Spackman tracts. Addressing safety issues will be a challenge at this location. The 2008 portion of the project includes a trail along Meetinghouse Road on the O'Dell and Worth properties and a trail on the O'Dell property on Birmingham Road.

FEMA LOMR MAP

Chairman Conklin said that the Supervisors have had several meetings with representatives from the Knolls of Birmingham and the Township Engineer to review the status of a map revision of FEMA's flood insurance rating map. Residents from the Knolls of Birmingham and Birmingham Hunt have encountered recent problems when applying for mortgages and they are being required to obtain flood insurance. This is a nationwide problem which is affecting a very local situation. There is also some history of inadequate documentation for the Knolls of Birmingham development. The Township Engineer reviewed the history of the subdivision design, approval and construction, and the history of previous applications in a telephone conference with FEMA representatives in this region. In an attempt to address this problem, Chairman Conklin moved to approve an expenditure for a map revision of FEMA's flood insurance rating map in the Knolls of Birmingham and Birmingham Hunt subdivisions, not exceeding \$21,000. In the spirit of cooperation and in an effort to get this matter resolved, the Township

Engineer will be contributing about \$5,000.; the Knolls of Birmingham will be contributing about \$5,000.; and Birmingham Hunt will be contributing \$1,050. The Township will pay for the balance of the costs associated with the project. Chairman Conklin was hopeful that this would resolve the problem and he felt that the solution reached by all parties was reasonable. (Approved all in favor.)

Supervisor Kirkpatrick complimented the Knolls of Birmingham representatives and the Township Engineer, VanDemark & Lynch, for handling themselves in such a civil, cooperative manner during the meetings and for stepping up to the plate and participating in the negotiations.

Jacquie Roach, Meetinghouse Road, asked if the entire development was being surveyed. Chairman Conklin indicated that the surveying was just being done in the floodplain area.

PUBLIC COMMENT

Lloyd Roach commented that numerous situations such as Homestead Hurricane; Hurricane Katrina; and Hurricane Floyd have contributed to the elevation in the insurance rates, especially flood insurance, which is a nationally funded and subsidized insurance program.

Mr. Roach expressed concern with fill and dirt activity at the Brandywine River Nursery (formerly known as Westwood's Nursery) in the floodplain and the floodway. This is a non-conforming use of the property. As EMC, when the building burned down over ten years ago, he tried to have it not re-built. He appealed to the Board to be diligent about keeping an eye on the activity on that property, whether it is in compliance or not. He informed the Board that if elected officials allow violations in the floodplain that all FEMA insurance requests in the Township can be rejected.

Chairman Conklin advised that the property has been recently inspected by the Police Chief as well as the Zoning Officer and that the property owner may need to be cited by the Township.

The meeting was adjourned at 7:58 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer