

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
APRIL 21, 2008**

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Conklin in the Township Building with the Pledge of Allegiance and 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
Thomas Nelling	-	Chief of Police
Dave Rathbun	-	Roadmaster
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
Mark Beauchamp	-	Recreation, Park & Open Space Committee Member (arrived at 8:05 PM)
Bill Rogers	-	Township Engineer, Van Demark & Lynch, Inc.
Quina Nelling	-	Secretary/Treasurer

Mr. Kirkpatrick moved to approve the April 7, 2008 minutes as written. (Approved all in favor.)

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$17,418.14. Sewer Fund bills totaled \$18,859.38. (Approved all in favor.)

BID OPENING FOR 2008 ROAD IMPROVEMENT PROGRAM

The bid opening for the 2008 Road Program was duly advertised in the Daily Local News on April 7th and 10th. The bid request was for a base scope with three individual add-alternates. Bill Rogers from the Township Engineer's Office was present to review the bids for completion and accuracy. After his review, Bill Rogers presented the bid tabulation results to the Board.

JFC Contractors - Aston, PA	Base Scope:	\$153,428.50
	Add Alternate #1:	\$7,412.00
	Add Alternate #2:	\$19,846.00
	Add Alternate #3:	\$30,000.00
 D. Malloy Paving, Inc., Downingtown, PA	Base Scope:	\$156,982.50
	Add Alternate #1:	\$5,236.00
	Add Alternate #2:	\$12,116.50
	Add Alternate #3:	\$46,000.00

A.F. Damon, Inc. Upland, PA	Base Scope:	\$158,097.00
	Add Alternate #1	\$6,664.00
	Add Alternate #2	\$22,403.00
	Add Alternate #3	\$29,000.00
S.A. Macanga, Inc. West Chester, PA	Base Scope:	\$191,846.12
	Add Alternate #1	\$7,922.00
	Add Alternate #2	\$25,021.00
	Add Alternate #3	\$38,250.00
Charlestown Paving	Base Scope:	\$176,506.00
	Add Alternate #1	\$15,844.00
	Add Alternate #2	\$6,212.00
	Add Alternate #3	\$24,000.00

Mr. Rathbun commented that the add-alternates are listed in order of priority. He suggested that add-alternates #1 and #2 be done. Add-alternate #3 is the sleeving of a pipe under Adams Way. This item could wait for another year without further deterioration.

Mrs. Nelling said that she had a call from Steve Erney of Penco Management, the management company for Birmingham Hunt, about a culvert replacement that needs to be done on Adams Way and part of the repair is the Township's because it is in the right-of-way and part of the repair will be the responsibility of the homeowners' association. Mrs. Nelling thought that this was part of add-alternate #3. Mr. Rogers advised that the issue raised by Steve Erney is upstream from the culvert repair proposed in add-alternate #3. There is a pipe that needs to be replaced that is coming out of a basin in the open space. This project is the responsibility of the homeowners' association and not the Township's. Jim Hatfield, Township Engineer, has discussed this issue with Steve Erney and it is not related to the repair proposed in add-alternate #3.

Bill Rogers advised that the Board table awarding the bid until the May 5th meeting in order for a recommendation to be provided by Jim Hatfield, Township Engineer. The Board concurred.

DILWORTHTOWN INN PARKING

Dilworthtown Partners has an arrangement with the Dilworthtown Presbyterian Church to use the church parking lot for overflow and employee parking for their facilities. Chief Nelling expressed a safety concern with employees walking along Birmingham Road, especially at night, from the Church parking lot to the restaurants. Patrons are also parking in front of the Inn Keeper's Kitchen and to the rear of the existing parking spaces for the Blue Pear Bistro, where parking isn't allowed.

Jim Barnes, Dilworthtown Partners, was unaware of employees walking on Birmingham Road. However, the issue could be addressed with a possible walking path. He was

willing to install “No Parking” signs at the locations mentioned by Chief Nelling where there was a parking problem. The area in front of the Inn Keeper’s Kitchen is a fire lane and it needs to be restriped. The Inn Keeper’s Kitchen usually has open parking and more needs to be done by Dilworthtown Partners to let the patrons of the Dilworthtown Inn and the Blue Pear Bistro know that there is parking available across the street.

Supervisor Bush asked if Dilworthtown Partners had long term plans for using the church lot for parking. Mr. Barnes said that the parking needs will have to be determined once the curiosity of the new Blue Pear Bistro wears off. The height of the business is the month of December and there are parking issues the two weeks before Christmas. He has a neighborly agreement with the Church for mutual overflow parking. Dilworthtown Partners compensates the Church for the use of the parking lot. Mr. Barnes added that Dilworthtown Partners needs to see one complete year of business with all three restaurants open to determine the long term parking requirements.

Supervisor Kirkpatrick asked how many employees worked at the various restaurants at one time. Mr. Barnes replied that Dilworthtown Partners employs 50 – 60 people, with about 30 – 40 working at any given time. The college kids that work there often carpool.

Supervisor Kirkpatrick stated that the approved land development plan for Dilworthtown Partners provides for additional parking that can be installed near the Inn Keeper’s Kitchen if parking becomes a problem. The concern of the Board is the safety of the employees walking from the Church parking lot.

Don Lincoln of Dilworthtown Presbyterian Church confirmed with the Board that there were no concerns with the Church using the Dilworthtown Partners’ property for parking on Sundays.

Chairman Conklin thanked Jim Barnes for attending tonight’s meeting to discuss parking needs. He stated that the approved land development plan allows the Township to require additional parking and that Dilworthtown Partners can choose to install additional parking if they feel that it is necessary. He thought that it was helpful to periodically review this subject.

AUTHORIZE ADVERTISING FOR HEARING ON ZONING ORDINANCE AMENDMENT

At its meeting on April 8, 2008, the Planning Commission unanimously agreed to recommend the adoption of an amendment to Chapter 122 of the Zoning Ordinance to enact the definition of “retaining wall”; to modify the definition of “structure”; and to provide regulations pertaining to fences and walls in residential zoning districts.

Supervisor Bush said that the Building Inspector, Joe Sofranko, had recommended an ordinance revision to change the fence height requirement of a structure from four feet to five feet as the post on a split rail fence is higher than four feet and the ordinance amendment would make these fences in compliance. A second portion of the ordinance

addresses building projections into setbacks not more than two feet. This ordinance provision is a result of a fireplace projection on Legacy Lane.

Supervisor Bush moved to authorize advertising for a hearing for Monday, May 19, 2008 at 7 PM, prior to the regularly scheduled Township meeting. (Approved all in favor.)

EAST BRADFORD TOWNSHIP GRANT APPLICATION FOR SCHRAMM PROPERTY

East Bradford Township is submitting a grant application to DCNR for acquisition of the Schramm property, which is located on Sconnelltown Rd., approximately one mile north of Birmingham Township. The property is being purchased by East Bradford Township for open space preservation and passive recreation. Simultaneously, East Bradford Township is working to accomplish a trail connection that would provide trail access south into Birmingham Township and east into the Borough of West Chester. East Bradford Township has requested a letter of support for the grant application from Birmingham Township. East Bradford Township has provided a sample letter that can be used. Supervisor Bush felt it would be a neighborly thing to do to support their application and Birmingham Township may want some reciprocity in this area. He felt that there was no harm in supporting the grant application.

Supervisor Kirkpatrick noted that the property is not contiguous to Birmingham Township. However, he had no problem supporting the application.

Supervisor Bush moved to send a letter to East Bradford Township in support of its grant application to DCNR for the purchase of the Schramm property. (Approved all in favor.)

HARB REPORT

HARB met on April 15, 2008 to consider two applications.

MCCLASKEY/1014 REVOLUTIONARY DRIVE/SIDING AND WINDOWS

HARB recommended that a Certificate of Appropriateness be issued to Judith McClaskey, 1014 Revolutionary Drive, for re-siding the house, eve extension, and replacing casement windows. The colors to be used will be khaki brown for the siding and coconut cream for the trim. Chairman Conklin moved to approve the Certificate of Appropriateness as recommended by HARB. (Approved all in favor.)

RUDIBAUGH/1304 BIRMINGHAM ROAD, SUNROOM & GARAGE

HARB recommended that a Certificate of Appropriateness be issued to Mr. & Mrs. John Rudibaugh, 1304 Birmingham Road, for renovations to the garage, sunroom, and pergola. The plan, dated 04/04/08, was drawn by James Bradberry, Architect. A landscape plan prepared by Heidi Fenstermacher of Dig It Landscape & Garden Design was also reviewed and approved.

Bill Dolan representing the builder and the architect, was present on behalf of the Rudibaughs who were out of town. Mr. Dolan said that the Rudibaughs are new owners of the property as of December 2007. A lot of work is underway in the interior of the

house. An enclosed side porch is in bad shape. It is being remodeled to its original design. A second side porch on the other end of the house collapsed twenty years ago. The posts are still there and an arbor is being proposed to improve its appearance. A garage that was built in the 1970's is being renovated with a new roof and dormers.

Chairman Conklin asked about the use of the area above the garage. Mr. Dolan explained that there would be storage space, but no living space.

Chairman Conklin said that HARB had expressed some concern over a sharp turn in the driveway. Mr. Dolan explained that the driveway leads to the garage. There are four posts in front of the garage that hold the roof awning. HARB had expressed some concern that a motorist might run into the posts. Mr. Dolan indicated that the landscape architect will be looking at that curve to see if it can be softened and angling the curbing by the garage. Chairman Conklin added that HARB recommended that the concrete footings supporting the posts should be removed.

Supervisor Bush said it appeared that there was quite an elevation change on the property. The Building Inspector indicated that stairs with four or more risers would require a railing. Mr. Dolan said that there are currently four risers and the landscape plan will require four risers.

Mr. Dolan commented that it appears that a lot of work was done on the house without permits and it is not up to code. The project will conform to the code requirements and improve a lot of issues in the house that are not in compliance.

Supervisor Kirkpatrick asked about plans for the stone wall in front of the property. Mr. Dolan advised that Mr. Rudibaugh is still digesting the scope of work. He is aware that the wall is an issue but no plans have been formulated to address it at this time. If the wall is addressed, Chief Nelling advised making the entrance wider to enable a fire truck to access the property. Mr. Dolan was aware that this is an issue. He commented that Mr. Rudibaugh is very receptive to preserving the property. He is also very interested in the history of the buildings and he is looking at the cost involved to preserve and maintain it. He is approaching the renovations with a very practical point of view and prioritizing them.

Mr. Dolan said that there is a swimming pool on the property that is not in great shape. Mr. Rudibaugh is contemplating filling it in, but he was concerned that the water could be useful during a fire as there are no hydrants in close proximity. Chief Nelling advised that the pool water would be used as a last resort. The fire company would bring in a tanker truck and there are hydrants on Wylie Road.

Mr. Dolan said that he met with a previous owner of the house that provided him with some lovely old photographs of the property from the 1940's that showed that the tower had been four stories. Currently the tower is three stories. Mr. Dolan asked for input from the Board on their position if Mr. Rudibaugh wanted to raise the tower back to four stories. HARB had advised that the code allows for a structure not to exceed 35'. The

tower is now 33'. Approval for such a request would need to come from the Zoning Hearing Board.

Supervisor Kirkpatrick moved to approve the Certificate of Appropriateness for the renovations at 1304 Birmingham Road as recommended by HARB. (Approved all in favor.)

CERAMI TEMPORARY ACCESS AGREEMENT

Chairman Conklin reported that there has been a drainage problem on the Cerami property on Meetinghouse Road. Water from the springhouse discharges into an above-ground drainage pipe which leads into a concrete trough and then into a drainage pipe underneath Cerami's property that runs into the Ennis property across Meetinghouse Road and discharges into a stream. The concrete trough is acting as a dam for the water that is discharged from the springhouse and it needs to be removed. In the wintertime this area is a problem because the road becomes icy. Mr. Cerami has agreed to allow the Township to enter his property to remove and discard the concrete trough and to replace a portion of the drainage pipe from the trough to Meetinghouse Road. Supervisor Bush moved to enter into a temporary access agreement with Philip Cerami to access his property to fix the drainage problem and to remove the concrete trough. (Approved all in favor.)

PUBLIC COMMENT

Robert Reder asked if the reflective curve signs installed by PennDOT at the curve had improved the accident situation at that location. Chief Nelling said that wet roads are the issue at that location. There have been accidents at this site since the signs were installed.

The meeting was adjourned at 8:10 PM. (AWB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer