

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
SEPTEMBER 15, 2008**

The regular meeting of the Board of Supervisors was called to order at 7:32 PM in the Township Building by Chairman Conklin 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
Michael Langer	-	Recreation, Park & Open Space Committee Chairman
Carol Leeson	-	Recreation, Park & Open Space Committee Member
Tony Webb	-	HARB Chairman
Jim Hatfield	-	Township Engineer, VanDemark & Lynch, Inc.
Quina Nelling	-	Secretary/Treasurer

The Supervisors had no comments or corrections on the September 2, 2008 minutes. Even though the Township Sewer Engineer, Sandra Morgan of URS Corporation, was not in attendance at the meeting, she had e-mailed some additional information she would like to see in the minutes regarding the Dilworthtown Inn grease situation. Mr. Bush moved to approve the September 2, 2008 minutes with the suggestion from S. Morgan. (Approved all in favor.)

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$11,164.26. Sewer Fund bills totaled \$11,013.72. (Approved all in favor.)

ANNOUNCEMENTS

Mrs. Nelling announced that the first meeting to discuss the 2009 budget will be held on Monday, September 29th @ 7:30 PM. The second budget meeting is scheduled for Wednesday, November 12th @ 7:30 PM.

Chairman Conklin stated that he attended a meeting at the Borough of West Chester with Vice-Chairman Kirkpatrick and Chief Nelling on September 4th to negotiate renewal of the five year contract for fire protection for the properties on Rt. 926 and north.

TOWNSHIP ENGINEER'S REPORT

BIRMINGHAM HILL

At the September 2, 2008 Township meeting, the Supervisors authorized advertising for bids for construction of the parking lot, trail, and the fence for the Birmingham Hill trail with bids to be opened on October 6, 2008. At the meeting there were concerns expressed about the location of the parking lot and its interference with the viewshed of the Brandywine Battlefield. On September 10th a site meeting was held at the location by the Supervisors, the Police Chief, the Township Engineer, and David Shields, Assistant

Director at the Brandywine Conservancy. Installing the parking lot at various locations on the tract was reviewed. Subsequent to the meeting, the Township Engineer drew up alternate plans with the twelve parking spots in a single line adjacent to the Friends Cemetery. The permit has not been received from PennDOT. The access at the same location would increase the cost of the project by \$18,500. If the access can be moved further north, the increase cost would be about \$7,500. There are issues if the access can be moved. There is a driveway on the east side of Birmingham Road that is offline with the access. It can't be aligned directly across from the driveway because of the obstruction from a utility pole. There is also a large locust tree that is blocking the sight line and it would have to be removed. David Shields has acknowledged that the Brandywine Conservancy will incur some of the costs associated with moving the parking area. Mr. Hatfield said that the direct line of sight for motorists traveling north on Birmingham Road is across the field and the parking area would not be in the line of sight for vehicles traveling south. If the Board is inclined to approve this location for the parking area, Mr. Hatfield will have to meet with PennDOT to see if they would approve an access further north.

During the field meeting, locating the parking lot off of Wylie Road was also reviewed. This location would require a single row of parking. The parking lot would be obscured, but the approach of the intersection of Wylie and Birmingham is already bad without adding more vehicles. The stormwater would also sheet onto Wylie Road instead of away as it will from Birmingham Road which may be an issue for PennDOT. This location is also not as ideal for ADA. The grade is slightly over 5% without handrails. This location is also the most expensive of the options.

In response to Mr. Paulsell, Thornbury Road, Mr. Hatfield reviewed the impact on the viewshed and the safety concerns with the various locations for the parking lot. Chairman Conklin said that hiding the parking lot is not necessarily an advantage, because the purpose is to be visible for access for public use.

Chairman Conklin suggested that the existing fence be left where it is along Birmingham Road and that the fence be bracketed towards the access. If the fence is moved, Chief Nelling had expressed concern that the trail would be used for parking and that "No Parking" signs would become necessary. Chairman Conklin did not want to see such signs in this historic area.

Mr. Webb was in favor of the parking lot being located on Wylie Road. It is a more obscure location and he did not feel that twelve cars would significantly impact the traffic at the intersection. He noted that more traffic travels on Birmingham Road at a higher speed limit and he felt that it would be more dangerous and harder to negotiate a turn safely off of Birmingham Road than off of Wylie Road. The access for Sandy Hollow Park was located on South New Street Road and not Birmingham Road which is a much safer access with less traffic. As an architect he would be severely criticized for putting a structure in a front yard on an expensive piece of property which is what the Township is doing with this parking lot.

Philip Moore, Birmingham Road, commented that there is a pristine view from Birmingham Road. It is inevitable that there will be a parking lot located on the property at some point. No parking signs, such as located on Wylie Road, are eyesore pollution. He suggested that the parking lot be located along the driveway to the barn area on the property which is a level piece of ground. He didn't feel that a parking lot along Birmingham Road is consistent with the historic guidelines established by the Township. Mr. Shields replied that Mrs. O'Dell would never be agreeable to having the parking lot in close proximity to the farm buildings.

Mr. Paulsell asked what the future plans are for the property? Mr. Shields of the Conservancy responded that Mrs. O'Dell has lifetime rights to the property. She still owns the thirteen acre tract where the house is located. The Conservancy has the first rights to purchase this ground, which is the desire of the Conservancy. If this happens, the trail could be re-located so that it would be placed entirely on the south side of Meetinghouse Road. His personal preference would be to bulldoze all the buildings and to establish a Brandywine Battlefield Park under the oversight of the National Park Service. The ultimate plans are to tie this trail into the trail at Sandy Hollow Park.

Chairman Conklin reminded those present that looking at a parking lot is a far better option than looking at the back of 29 houses, which was a plan before the Township before the Conservancy bought the property.

Mr. Kirkpatrick summarized that the parking location next to the cemetery will address many of the concerns expressed about obscuring the lot from prominent view but it will be at an increased cost to the Township and the Conservancy. It also meets the goals for the parking lot and the ADA requirements by establishing a convenient access to the trail for the public with an incredible view that extends to the Pocopson School and the potential future access to Sandy Hollow. He added that it is impossible to address all the desires of the constituents. He complimented Mr. Paulsell for pushing the Board for a better solution and he thanked the Brandywine Conservancy for its financial support. He felt that the matter had been discussed fully and that it was time to move on with the project.

Mr. Kirkpatrick asked for comment from RPOS. Chairman Langer felt that the new parking lot location was a great compromise and he felt that it was worth the effort at the last minute in the project process.

Jane Wylie, Birmingham Road, asked if the Township was paying for the trail installation and the parking lot. Chairman Conklin confirmed that it was a Township project which was being financially supported by a County matching grant. Mr. Hatfield added that the grant is for 50% of the costs for a maximum reimbursement of \$40,000. on an \$80,000. project. Chairman Conklin felt that this change in the parking lot location would take the project over the \$80,000. and the Township would have to pay the difference.

Chairman Conklin stated that the Township has benefited by being an area where the Brandywine Battle took place which has influenced the conservation of property by the

Brandywine Conservancy and Natural Lands Trust. Township funds have not been used in the preservation of the O'Dell property and it is time for the Township to step up to the plate and participate.

Tony Webb appreciated the effort of the Supervisors and the extra time spent reviewing the parking lot location. Doing the right thing was time well spent.

Mr. Paulsell said that albeit some of the conversations on the subject were rather heated; all parties have been able to speak their minds. He felt that locating the parking lot next to the cemetery was a great improvement because of the natural tree buffer. He felt that this location was actually better than moving it to Birmingham and Wylie.

Chairman Conklin moved to approve a plan for the parking lot along the cemetery and to attempt to move the entrance for the parking lot as far north as possible given the requirements of PennDOT, but that the access should not be moved any further south than the previously approved location and that the fence along Birmingham Road should remain, with new fencing installed to delineate the trail, and only the fencing on Meetinghouse Road will be relocated. (Approved all in favor.) Chairman Conklin moved to rescind the bid opening for the October 6th meeting with the new bid opening date to be October 20, 2008. (Approved all in favor.)

David Shields has talked to Bill Gladden at the County who felt that an extension on the November deadline for the installation of the trail and the parking lot was a highly reasonable request.

FEMA

Mr. Hatfield reported that the Township applied for a letter of map revision to the Flood Insurance Rate Map (FIRM) for Chester County. There is a FEMA 100 year flood plain that traverses the Radley Run stream through the Knolls of Birmingham and Birmingham Hunt developments. The FIRM was never amended for the post-construction of the developments. Lending institutions started notifying some of the residents in these developments that they had to purchase flood insurance. Homeowners are now finding it hard to get mortgage insurance because their properties are shown in the flood plain. FEMA has tentatively approved the map revision contingent upon several items being completed. Property owners that are still affected by the floodplain will be able to purchase elevation certificates from an engineering firm since there will now be elevations associated with the floodplain from the revised map. Letters must be sent by the Township to the affected property owners. The FEMA sample letter is very dry and refers to flooding. A meeting was held with Mr. Hatfield, the Supervisors, the Knolls HOA and Penco Management on September 10th. It was decided that the letter would generate a lot of panicky phone calls from the residents. In order to provide more information to the residents and defer a lot of phone calls to the Township and to Penco Management it was decided that a cover letter from Penco Management should accompany the FEMA letter. During the meeting it was discussed that a sentence should be added to the letter stating that all structures are not located in the flood plain. This

revised letter has been sent to FEMA for approval. Mr. Hatfield will send the final draft to the Supervisors for approval before it is sent to the affected residents.

ROAD PROGRAM

Mr. Hatfield stated that even with the asphalt escalator, the 2008 road program is about \$8,000. over budget. The remaining items to be completed are patching, inlet repairs, and shoulder work. The Meetinghouse Road spring house repair went very well. A PVC pipe was sleeved under the road so the road didn't have to be torn up. The road program is on schedule.

Mr. Gross, Lambourne Road, thanked the Township for the repair work on his road. He had been having a water problem in the past which has been corrected, for the most part, with this repair. The inspector from the Engineer's office, Bill Rogers, met with him to ensure that he was satisfied with the work performed.

ZONING HEARING BOARD APPOINTMENT

Dick Brigham informed Mrs. Nelling that his obligations are preventing him from attending all the meetings of the Zoning Hearing Board. He said he would be willing to remain on the Board as an alternate. Chris Bailey, PC Member, has expressed an interest in serving on the Board. Mr. Bush moved to appoint Chris Bailey to the Zoning Hearing Board to replace Dick Brigham for the term expiring in 2009 and to appoint Dick Brigham as the alternate. (Approved all in favor.)

Mrs. Nelling stated that the appointment of Chris Bailey to the ZHB now leaves an opening on the Planning Commission.

MINIMUM MUNICIPAL OBLIGATION FOR THE PENSION PLANS

Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans. The law requires the Chief Administrative Officer of each municipal pension plan to inform the governing body of the municipality of the plan's expected financial obligation for the coming year. This must be done by the last business day in September.

The calculation of the 2009 plan costs, or the MMO, required an estimate of the 2008 W-2 wages of the employees covered by the plan. The minimum municipal obligation for the police pension plan is \$21,063.

The calculation of the non-uniform pension plan has been provided by Trustees of Pennsylvania Municipalities Retirement Plan from projected W-2 wages that Mrs. Nelling provided for the employees covered by the plan. The minimum municipal obligation for the non-uniform plan is \$22,047.

The pension plan costs will be offset by State Aid to municipal pensions to which the Township is entitled under Act 205.

PUBLIC COMMENT

Mark Gross thanked the Board for its quick action in addressing the dirt removal and truck traffic on Birmingham Road to the Sullivan property. Chief Nelling said that the dirt has all been returned to the West Chester University where it originated so there should be no more truck traffic from the site.

Philip Moore asked if PennDOT could be notified to cut the growth around the stop sign at the intersection of his driveway and Birmingham Road, going north, as the sign is getting obscured by the overgrowth and traffic stopping at that intersection has been and continues to be a problem. He welcomed the police to sit in his driveway to watch for motorists ignoring the stop sign.

The meeting was adjourned at 8:36 PM. (WJK)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer