

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
AUGUST 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 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
Dr. Robert Reder	-	Recreation, Park & Open Space Committee Member
Lloyd Roach	-	Emergency Management Coordinator

Mr. Bush moved to approve the July 21, 2008 minutes as written. Chairman Conklin seconded the motion and it was carried. Mr. Kirkpatrick abstained from voting as he did not attend the July 21<sup>st</sup> meeting.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$18,154.31. Sewer Fund bills totaled \$3,343.15. (Approved all in favor.)

**CJ'S TIRE & AUTOMOTIVE SERVICES**

The Township received a conditional use application on July 30<sup>th</sup> from CJ's Tire & Automotive Services to conduct retail sales of tires and automobile accessories with associated service and repair at 1309 Wilmington Pike in the C-2 zoning district. Mr. Kirkpatrick moved to authorize advertising for a hearing for Tuesday, September 2<sup>nd</sup> at 6:30 PM. (Approved all in favor.)

**DILWORTHTOWN INN WINE FESTIVAL**

Jim Barnes said that the Dilworthtown Inn will be hosting its 18<sup>th</sup> annual wine festival on Sunday, October 12<sup>th</sup>. The event will benefit the Chester County Cancer Center and the Abramson Cancer Center. The Chester County Hospital will provide volunteers to work the event. There will be approximately 700 attendees. Parking will be at the Giant Food Store and the Penn Oaks Country Club with shuttle busses provided for transportation. There are no significant changes from previous years. The same signage, road closing procedure for Old Wilmington Pike, tents and banner will be used. The event will be held from 11 - 4. There is no rain date. Tickets are purchased as a donation with the understanding that no refunds will be issued.

Chairman Conklin moved to approve the Wine Festival Event to be held at the Dilworthtown Inn on Sunday, October 12<sup>th</sup> from 11 - 4 conditioned upon all appropriate documentation being completed, including the indemnification agreement, the sign and banner permits, and the road closure paperwork.

Chairman Conklin asked Jim Barnes to review the temporary signage on the property for the Blue Pear Bistro to ensure compliance with the sign ordinance regulations.

**RECREATION, PARK & OPEN SPACE COMMITTEE REPORT**

Michael Langer updated the Board on the status of the Birmingham Hill trail project. A highway occupancy permit application has been submitted to PennDOT for approval. The Township Engineer is in the process of preparing the bid package for the project. The web site has been

updated on the trail project with information provided by RPOS member Dan Hill. An archaeological dig was performed on the Brandywine Conservancy property on July 19<sup>th</sup>.

### **POLICE REPORT**

Chief Nelling reported for the month of July 2008. There were 1,322 incidents during the month including 24 criminal arrests of which ten were DUI's and there were three incidents of public drunkenness. Two cases remain open. The Birmingham Police Department held its second annual DUI checkpoint on Rt. 202. During a four hour period six hundred vehicles were stopped. There were four DUI arrests and one drug arrest.

### **PUBLIC COMMENT**

Lloyd Roach said that he needs to have the Board schedule a table top drill exercise for emergency management purposes. The three Supervisors need to attend as well as Chief Nelling and a representative from the Department of Emergency Services. The exercise will take about an hour and can be done before a Township meeting. Mr. Roach said that the training time for the emergency management position has increased tremendously. The ICS 300 course lasted three days and the ICS 400 course is scheduled for two days.

Rajesh Nama, Adams Way, said that he lives in a townhouse in the Birmingham Hunt development. He wants to put steps off of his deck but because of the adoption of ordinance 08-01, Section 122-92.c. he is prohibited because the stairs can't extend closer to a property line than fifteen feet or one-half the applicable yard requirement, whichever is the greater setback requirement and his rear yard is 29' and the width of the house is 26' with one side being the property line. He feels that the ordinance shouldn't apply to townhouses and that the steps should only have to comply with the 28' PRD rear yard setback requirement. He has discussed his problem and the ordinance interpretation with the Building Inspector, Pete Marberger.

Chairman Conklin said that when a law is written it is impossible to consider all the unforeseen issues. The ordinance was adopted so structures wouldn't be built too close to a neighbor's property. The Board felt that a meeting with the Building Inspector, Pete Marberger, would be helpful with possible further discussion with the Township Solicitor.

The meeting was adjourned at 7:57 PM. (AWB)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer