

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
APRIL 20, 2009**

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
Lloyd Roach	-	Historic Commission Chairman & EMC
Jacque Roach	-	Planning Commission Secretary
Carol Leeson	-	Recreation, Park & Open Space Committee Member
Jeff Corrigan	-	Recreation, Park & Open Space Committee Member
Jim Hatfield	-	Township Engineer
Quina Nelling	-	Secretary/Treasurer

Mr. Kirkpatrick moved to approve the April 6, 2009 minutes as written. (Approved all in favor.)

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$16,317.35. Sewer Fund bills totaled \$13,895.87. (Approved all in favor.)

POLICE REPORT

Chief Nelling reported for the month of March 2009. There were 1,514 incidents during the month, including 16 criminal arrests. There were 8,695 patrol miles logged on the vehicles during the month.

Chief Nelling recommended a revision to Section 414 of the Police Policy Manual to require that the regulations for employment outside the Birmingham Police Department apply to the part-officers and not just the full time officers. The policy change would also require written notification of an officer's intent to take another job as well as written notification if outside employment was terminated.

Chairman Conklin moved to adopt Resolution #090420 to revise Section 414 of the Police Policy Manual as recommended by Chief Nelling. (Approved all in favor.)

RECREATION, PARK & OPEN SPACE COMMITTEE REPORT

Carol Leeson has returned to the Board on behalf of RPOS to discuss the entrance signage for Birmingham Hill and Sandy Hollow Heritage Park. The signs are in blue, as discussed, with Birmingham Hill and Sandy Hollow Heritage Park in 4" uppercase letters and Brandywine Battlefield Park in 3" lowercase letters. There was discussion on the name "Heritage" being part of the Park sign. Chairman Conklin moved to approve the

entrance signs for Birmingham Hill and Sandy Hollow with the elimination of “Heritage Park” on the Sandy Hollow sign. (Approved all in favor.) Mrs. Leeson said that a 50% deposit will be required for the signs.

Mr. Korrigan said that an e-mail had been circulating from Doug Marshall about having the regulatory signs at Birmingham Hill in brown rather than blue. The Board of Supervisors had approved the “blue” regulatory signs at the April 6th meeting. The Board of Supervisors had not seen the e-mail. No change was made to the prior approval for the regulatory signs.

Chairman Conklin said that the Brandywine Conservancy has asked RPOS to plant low lying shrubs, such as inkberry, along the Birmingham Hill parking area to buffer the view of the parking lot from the Conservancy’s property. Chairman Conklin moved to approve a \$600. expenditure for the buffering of the parking area at Birmingham Hill. (Approved all in favor.) Mrs. Nelling suggested that Mrs. Leeson contact Brian Matuszewski of Land Art who does the landscaping work for the Township.

There was some minor discussion on the problem with the excessive dog droppings at Sandy Hollow and how the problem could best be handled.

PUBLIC COMMENT

Harry Miller, Bottom Lane, presented the Board with an Article in the Daily Local dated April 20, 2009 complimenting the efforts of Officer Abele at an accident on Rt. 202.

MS4 PERMIT REQUIREMENTS

Mr. Hatfield was present to discuss future MS4 permitting requirements with the Supervisors. The current five year permit with two one year extensions will expire in March 2010. A new permit must be applied for by September 9, 2009. The application can be for either a General Permit or an Individual Permit. The General Permit can be applied for only if there are no exceptional or high quality waters in the Township and the DEP ordinance has to be adopted verbatim. In lieu of the General Permit an Individual Permit could be applied for, but the application procedure is more onerous. All the General Permit program requirements would have to be followed except for the adoption of the model ordinance, as Birmingham would identify that its SWMLDO ordinance exceeds the standards of the DEP model ordinance. The Board asked Mr. Hatfield to review the requirements and make a recommendation to the Board at a future meeting on which permit application to follow.

The new permit requirements have the same six elements as the prior permit.

- Public education
- Public participation
- Stormwater inspection and illicit discharge protection
- Stormwater control during construction
- Permanent stormwater inspection
- Municipal operations

An additional regulation that has been added is the TMDL – Total Maximum Daily Load reductions. EPA has determined the base line for sediment in tons per day as .85 for the Brandywine River. The safe sediment load that can be tolerated is .36 tons per day which is a 58% reduction. Mr. Hatfield did not know how these numbers were determined and he has not been able to get guidance on determining these figures. Every river has a Wasteload allocation specifying how much sediment the stream can absorb in order to meet a prescribed level of water quality. The prescribed water quality is a function of the desired uses of the water. Mr. Hatfield noted that only the dense areas of the Township were subject to the permit requirements. The R-A zoned districts are excluded.

Mr. Kirkpatrick did not want to be held accountable for discharge from other townships.

Chairman Conklin felt that it was a make believe measurement.

The Supervisors were very frustrated with the permitting requirements.

In order to comply with the permit requirements, the Township has scheduled two meetings on April 30th and May 6th to discuss permanent stormwater inspection and maintenance requirements. Mr. Hatfield reviewed his presentation with the Board. Mr. Hatfield was anticipating reviewing the history of the regulations and the current permitting requirements and obligations of the Township and the owners of the basins. Mr. Hatfield also showed slides of basins and the effects of sediment. The Board suggested that more bullet points be used rather than an overload of information. The slides were very helpful. B.E.S.T. stream team will also participate in the presentation.

The meeting was adjourned at 8:51 PM (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer