

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MAY 4, 2009**

ORDINANCE HEARING/CHAPTER 97/SOLID WASTE

A hearing to consider an ordinance to amend Chapter 97, "Solid Waste" by restricting the collection of waste to those authorized by the Pennsylvania Department of Environmental Protection pursuant to the Waste Transportation Safety Act was called to order at 7:15 PM in the Township Building by Chairman Conklin. 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
Kristin Camp	-	Township Solicitor
Quina Nelling	-	Secretary/Treasurer

Mrs. Camp explained that the ordinance was being cleaned up to comply with State Law that no longer allows licensing fees for trash haulers by the County or Municipalities as this function is being handled by the Department of Environmental Protection. Exhibits B-1 through B-3 were presented by Mrs. Camp.

B-1 - Proof of Publication in the Daily Local News on April 24, 2009.

B-2 - Correspondence dated April 13, 2009 from Kristin S. Camp, Esq. to the Chester County Law Library providing the proposed amendment for public inspection, which was acknowledged received on April 14, 2009.

B-3 - Correspondence dated April 13, 2009 from Kristin S. Camp, Esq. to the Daily Local News providing the proposed amendment for public inspection, which was acknowledged received on April 15, 2009.

The Township can still require proof that the contractor is offering hauling services in the Township. Also, a form has to be submitted to the Township on the amount of tonnage that was collected during the prior year. The ordinance draft had a date of January 15th and that the report be submitted on a Township provided form. Mrs. Nelling suggested that the contractor provide the form, which is the form that is used for submission to the County, and that the date of submission be changed to coincide with the County's submission date of February 15.

Mr. Bush moved to adopt Ordinance 09-02 to amend Chapter 97, Solid Waste, as prepared by Solicitor Camp in order to comply with State Law. (Approved all in favor.)

The hearing was closed at 7:24 PM. (JLC). Solicitor Camp departed at this time.

REGULAR MEETING

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. Jim Hatfield, Township Engineer, was present for the regular meeting.

Chairman Conklin suggested a change to the April 20th minutes. On page two, under MS4 requirements, sixth line, sentence starting with “The lieu” should be changed to read “In lieu”. Mr. Kirkpatrick moved to approve the minutes as corrected. (Approved all in favor.)

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$26,676.07. Sewer Fund bills totaled \$11,155.62. (Approved all in favor.)

BIDS FOR 2009 ROAD PROGRAM

Bid proposal requests were duly advertised in the Daily Local News on April 20th and 23rd for miscellaneous street and infrastructure repairs. Two bids were received.

<u>BIDDER</u>	<u>BASE</u>	<u>ALT.#1</u>	<u>ALT.#2</u>	<u>ALT.#3</u>
Page Excavating Company Kennett Square, PA	\$14,091.	\$1,305.	\$3,600.	\$1,200.
Mercier’s Inc. Harmans, MD	\$43,780.	\$4,000.	\$4,536.	\$1,512.

The Township is familiar with Page Excavating Company as they have been doing the snow removal services for the Township for many years. Even though they have not done paving work in the Township, Mr. Hatfield was very familiar with their performance in other townships and he said that they have the equipment and the experience to do the work.

The general fund budget has \$25,000. allocated for this road work. Due to the concern over lagging real estate transfer tax receipts the Board discussed using liquid fuels funds for this project. Mr. Hatfield said that the package was bid under PennDOT guidelines and specifications so there was no reason that liquid fuels funds couldn’t be used. The 2010 budget projection for road work is approximately \$200,000.00. These funds will be available in the State Fund even if this year’s road project is paid for with liquid fuels funds. The Board was also agreeable to additional patching work as a field change as identified by Mr. Hatfield.

Chairman Conklin moved to accept the bid from Page Excavating, Company for a total of \$20,196. for the base scope work and the three alternates and additional patching work deemed necessary by the Township Engineer, with the stipulation that the work be paid for with liquid fuels funds. (Approved all in favor.)

TREASURER'S REPORT

Mrs. Nelling reported for the first quarter 2009.

General Fund Balance - \$311,282.

Sewer Fund Balance - \$455,172. (\$334,860. is capital reserve funds)

General Fund Balance Forward from 2008 - \$527,405.

1st Quarter General Fund Revenues - \$119,200. (\$16,431. in property tax)

1st Quarter General Fund Expenditures - \$347,268. 26% of the budget

Revenues

Real Estate Transfer Tax Receipts - \$23,434. (18% of the \$130,000. budgeted)

Vehicle Code Violations - \$28,644. (48% of the \$60,000. budgeted)

Building Permits - \$3,283. (16.4% of the \$20,000. budgeted)

Expenditures

Police Department - \$123,817. (23.4% of the \$528,750. budgeted)

Snow Removal - \$64,345. (80.4% of the \$80,000. budgeted)

POLICE REPORT

Chief Nelling reported for the month of April 2009. There were 1,317 incidents during the month, including 16 criminal arrests, of which five were defiant trespassers at Sandy Hollow after hours. There were 9,226 patrol miles logged on the vehicles during the month.

PUBLIC COMMENT

Mr. Bush said that a resident at the Knolls of Birmingham is having problems with their mortgage company that is not accepting the FEMA map revision and the insurance company is demanding additional monies. Mr. Bush felt that the problem might be that the scale of the map makes it difficult to interpret whether a property is or is not in the floodplain. Mr. Bush said that the mortgage company needs to see the detailed map submitted to FEMA with the map revision or the property owner will need to obtain an elevation certificate. Mr. Hatfield had previously talked with Mr. Kirkpatrick confirming that there wasn't a conflict with VanDemark & Lynch, Inc. providing the elevation certificates to the residents if the firm was contacted for the work. Mr. Bush talked with Mr. Hatfield about the possibility of providing a sealed letter stating that there are no houses in the Knolls of Birmingham which are located in the floodplain. Further conversations will occur between Mr. Bush and Steve Erney with Penco Management Company to determine the best course of action to help the residents.

Connor Reilly, 1079 Squire Cheyney Drive, was present to satisfy a requirement for his Citizenship and Community Eagle Scout Badge as a member of Boy Scout Troop 93.

Chairman Conklin said that the Township is in receipt of a letter from Pocopson Township requesting that Birmingham Township pass a resolution to save the Pocopson Post Office. The Post Office was slated to be closed. However, the Supervisors just read in the newspaper that the lease has been renewed by the Government through 2016. No

action was taken by the Board at this time. Mrs. Nelling will contact Pocopson Township and ask to be advised if the situation changes and support should be considered.

EQ PUMP REPLACEMENT

The Township has requested proposals for the replacement of two pumps at the equalization tanks. As this is a routine maintenance item, and not a new addition or enlargement of the existing wastewater treatment plant, Solicitor Camp has opined that the project is exempt from public bid requirements. Four proposals were received.

MGK Industries, Inc. – Pottstown, PA	-	\$79,964.00
Pikeland Construction, Inc. – Kimberton, PA	-	\$75,430.00
Eastern Environmental Contractors, Green Lane, PA	-	\$82,820.00
Applied Water Management Group, Hillsborough, NJ	-	\$82,500.00

Mr. Kirkpatrick said that it takes twenty weeks to get the pumps ordered, but the work should be completed by the end of October. Mr. Bush moved to approve the bid from Pikeland Construction, Inc. for \$75,430.00 for the equalization pump replacement at the sewer plant, with the project not to exceed \$82,000. with any field changes. (Approved all in favor.)

RECREATION, PARK & OPEN SPACE

Chairman Conklin applauded the efforts of the Recreation, Park & Open Space Committee and their family members for their recent outing to clean Sandy Hollow.

Chairman Conklin advised that Carol Leeson had submitted her resignation from the Committee pending the finding of a replacement.

Chairman Conklin reported that Plymar Construction has completed the entrance paving to Birmingham Hill. There is a County 50% reimbursement component up to \$40,000.00 for the project.

The meeting was adjourned at 8:11 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer