

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
MARCH 2, 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
Thomas Nelling	-	Chief of Police
Michael Langer	-	Recreation, Park & Open Space Committee Chairman
Carol Leeson	-	Recreation, Park & Open Space Committee Member
Quina Nelling	-	Secretary/Treasurer

Absent was Supervisor Al Bush.

Mr. Kirkpatrick moved to approve the February 17, 2009 minutes as written. Chairman Conklin seconded the motion and it was carried.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$11,896.44. Sewer Fund bills totaled \$7,695.49. Chairman Conklin seconded the motion and it was carried.

**METRO PCS CONDITIONAL USE**

A hearing to consider the conditional use application of Metro PCS LLC to extend an existing cellular communications tower located at 1335 Wilmington Pike (Stoltzfus Property) by ten feet and to install six panel style commercial communications antenna on the tower at a height of 183 feet was held on February 17, 2009. Verbal conditional use approval was granted by the Board at the end of the hearing with the condition that a supplemental structural analysis report from American Tower Corporation be provided in a form and content acceptable to the Board which would increase the height of the tower from 173 feet to 183 feet. The report should confirm that the six antennas do not create any structural issues.

Mike Shiring, legal counsel, presented the revised structural analysis report to the Board. The original report was prepared with three panel antennas instead of the six. Mr. Shiring said that the revised American Tower report indicates a passing score and that the engineering standards have been met.

Chairman Conklin asked for the basis of the standards? Mr. Shiring noted that the standard is determined by the Telecommunications Industry of America and the Electronics Industry of America.

Mr. Kirkpatrick said that at the February 17<sup>th</sup> hearing it was stated that there would be a ten foot pole extension, but it actually is an eight foot pole extension with a four foot antenna. Mr. Shiring confirmed that the height at the top of the pole is 183' but the top of the antenna is 185'.

Mr. Kirkpatrick asked if the tower had been inspected and if the anchor bolts are in good condition and can support the structure? Mr. Shiring replied that a civil engineer had inspected the condition of the tower and there were no structural concerns. The structure can support the existing and proposed antennas.

Mr. Kirkpatrick moved to approve the revised Supplemental Structural Analysis Report dated February 26, 2009 for the Metro PCS Conditional Use Application contingent upon the conditions in the February 20, 2009 correspondence from the Township Solicitor. Chairman Conklin seconded the motion and it was carried.

### **BIRMINGHAM HILL SIGNAGE**

David Shields, Associate Director with the Brandywine Conservancy, was present to discuss signage for the trail on their property on Birmingham/Meetinghouse Roads. HARB reviewed the signage at its meeting on February 23, 2009 and recommended a blue sign instead of a brown sign. The main discussion revolved around the name for the trail. HARB did not comment on the trail name. The Supervisors were inclined to have the trail named for some historical significance of the property such as Birmingham Hill or Birmingham Heights. Mr. O'Dell, prior property owner, had named it Skirmish Hill. The Brandywine Conservancy preferred this name, but there is no historical significance. Mr. Shields suggested Brandywine Battlefield Trail as a generic name. There was discussion that this would create confusion with the Brandywine Battlefield Park located on Rt. 1 in Chadds Ford Township. Also, the Board felt it was important to identify each property location for many reasons. Chief Nelling concurred that this would be necessary for emergency responders and for accurate directions. However, the Board was agreeable to have the Brandywine Battlefield Trails name be identification for all the trails, for example, Birmingham Hill, part of the Brandywine Battlefield Trail.

Location of the signs was also discussed. Mr. Shields had a map showing the locations for all of the signs. A site meeting will be necessary to review the sign locations as many issues need to be addressed.

- Not blocking the site distance for traffic onto Birmingham Road
- Not blocking the viewshed of the property
- Ability to see the entrance sign by motorists traveling Birmingham Road
- Not littering the property with the indiscriminate placing of signs

Chairman Conklin told Mr. Shields that he and Supervisor Bush had met at the property during the discussion of the parking lot location and they had envisioned the trail extending to the corner of Birmingham and Wylie Roads as the vista was as nice from that location as it was from the existing location adjacent to the parking area. The fence along Birmingham Road had been doubled to identify the trail; provide a safer place to walk for pedestrians and to keep cars from parking along the road. The new fence was angled and attached to the existing fence which prohibits walkers to traverse to the corner. That was not the intent. This will be reviewed with Mr. Hatfield, Township Engineer, and part of the new fence may need to be removed.

Discussion ensued on upgrading the sign at Sandy Hollow Heritage Park. The sign has oxidized. An estimate has been received to replace the panels on the sign. Mr. Kirkpatrick suggested

replacing the sign rather than dealing with the company that provided the original sign. This way the sign could be made to mirror the sign on the Brandywine Conservancy property. Also, the verbiage could include the Brandywine Battlefield trail nomenclature. Sandy Hollow Park signage will be discussed further at the March Recreation, Park & Open Space Committee meeting.

Mr. Shields will discuss the wording for the name of the trail on the Conservancy property with the Brandywine Conservancy Board and he will return to a future meeting. Mr. Langer noted that the trail can be opened with just the regulatory signage installed and the crosswalk. It was estimated that this could all be accomplished by the end of the month. Chairman Conklin moved to approve the regulatory signs for the trail, including the trail rules, the trail ends, and the Brandywine Conservancy and County Acknowledgement signs as presented by the Brandywine Conservancy and the RP&OS Committee and to waive any fees associated with a sign permit. Mr. Kirkpatrick seconded the motion and it was carried. Mrs. Nelling will confirm the size requirements for the signs with Mr. Shields.

**AUTHORIZE ADVERTISING FOR CROSSWALKS ORDINANCE**

Chairman Conklin moved to authorize advertising for an ordinance hearing at 7:25 PM on Monday, March 16<sup>th</sup> to amend Chapter 115, "Vehicles and Traffic", to establish the placement of pedestrian crosswalks on Meetinghouse Road for the trail. Mr. Kirkpatrick seconded the motion and it was carried.

**PUBLIC COMMENT**

There was no public comment.

The meeting was adjourned at 8:53 PM. (JLC)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer