

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
SEPTEMBER 8, 2009**

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	-	Chairman, Recreation, Park & Open Space Committee
Tony Webb	-	HARB Chairman
Quina Nelling	-	Secretary/Treasurer

Mr. Bush moved to approve the August 17, 2009 minutes as written. (Approved all in favor.)

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$58,244.08. Sewer Fund bills totaled \$40,365.71. State Fund Ck. #138 for \$6,304.00 was approved for payment to Page Excavating Company for Invoice 6270 for the 2009 Street Program. (Approved all in favor.)

A.P. Mallia, General Manager of the Comfort Inn, had requested to be on the agenda to discuss LED signage but he did not show so the subject was not discussed.

POLICE REPORT

Chief Nelling reported for the month of August 2009. There were 1,388 incidents including 13 criminal arrests. One incident remains open. There were 7900 patrol miles logged on the vehicles during the month. There was one burglary during the month at a house on Webb Road, which is the second burglary at this house within the year. Chief Nelling noted that there has been a rash of burglaries in the surrounding townships. This particular house sits back off of Webb Road.

Chief Nelling and Police Commissioner Bush recommended a change to the police department manual to eliminate the position of lieutenant. The position is not being used and it doesn't appear that it will be a position for this department in the future, so as a housekeeping measure to update the manual Mr. Bush moved to adopt Resolution #090908 to delete the position of lieutenant from the police department manual. (Approved all in favor.)

HARB REPORT

HARB met on August 18th and recommended that a Certificate of Appropriateness be issued to the Rudibaughs, 1304 Birmingham Road, to erect a four foot black aluminum

fence along the east and west property lines with the conditions that the fence on the west side be connected to the fence across the front of the property on Birmingham Road and that the fence on the west side stop at the pin in the tennis court with the remainder of the fencing to be considered by HARB at a future meeting. Subsequent to the meeting, representatives for the Rudibaughs met with an adjacent property owner at 1010 Wylie Road, Pat Marshall, to address her concerns regarding the proposed fence. Heidi Fenstermacher, Landscape Designer, was present. She stated that after the meeting with Pat Marshall that the Rudibaughs have agreed to change the style of the fence to post and wire from the tennis court to the corner of the Marshall property. Mrs. Marshall was not aware that the change had been proposed. HARB has also not reviewed the proposed change. Mr. Webb requested that the application be returned to HARB for further discussion on this new material. Chairman Conklin applauded the applicant for working with the neighbors prior to coming before the Board. Mr. Bush asked that a certificate be presented to the Board at its next meeting for a proposal for the entire fence project.

RECREATION, PARK & OPEN SPACE COMMITTEE REPORT

RPOS Chair Michael Langer reported that he has been working on a sub-committee with RPOS member Jeff Corrigan and Sheila Fleming, Senior Planner of the Brandywine Conservancy, to study the feasibility of a volunteer trail program along the Brandywine River between Meetinghouse Road and Rt. 926 as well as a footpath to connect to the trails on the O'Dell farm. Mr. Langer said that the trail easement would be 10' wide and it is similar to a utility easement.

Sheila Fleming presented the proposed action plan to the Board.

1. BOS approval of goal, vision, introductory letter to residents, FAQs, mapping, and recommended action plan.
2. Solicit references/contacts from the community – RPOS, Brandywine Conservancy, Worth, Haskell (Pennsbury Township).
3. Contact landowners, Kerstetters and Steinerts, and ask for a meeting.
4. Notify references that landowners have been contacted.
5. Mail an introductory letter to invite participation in the study and to set up a meeting.
6. Meet with landowner, Township representative, and Brandywine Conservancy.
7. Follow up with thank you letter and notes from the meeting.
8. Follow up phone calls and meetings as appropriate.
9. Updates to BOS and RPOS.

A sample letter to the property owners with a Brandywine Greenway and Surrounding Trail Links Map attached was provided to the Board. The Board thought the map was impressive and an important part of the package. Chairman Conklin stated that sometimes the Township is not the best representative for such a project. It is anticipated that after the meetings with the landowners that they will want to meet with an attorney or accountant to discuss the proposal. The Supervisors will review the sample letter to the property owners and discuss it further at the next Township meeting.

Michael Langer reported that plantings have been installed at Birmingham Hill and Sandy Hollow. A commemorative opening of Birmingham Hill with the Commissioners will be scheduled in the near future. Chairman Conklin said that Dorothy Carroll will also need to be invited as three sides of her house are surrounded by the trail.

HISTORIC COMMISSION

An e-mail was received from the Historic Commission Chairman, Lloyd Roach, stating that member Donna Landon has resigned due to time constraints. Chairman Conklin moved to accept the resignation of Donna Landon and thanked her for time and contribution to the committee. Donna was the member secretary for the committee so the secretary position is vacant at this time as well.

Mr. Roach also requested in his e-mail that the Township contribute \$500. to the Chester County Historical Society for unlimited use of its resources and staff. The Board wondered if the contribution was for 2009 or for 2010.

The Board asked Mrs. Nelling to contact Mr. Roach and request that he attend a future meeting to discuss the vacancies on the committee and the contribution to the Historical Society.

Mr. Kirkpatrick said that he has been in contact with Mr. Roach regarding the Historic Commission reviewing properties in the Township that are in semi-ruins that may not be historic but may add to the overall historic appearance of the township. Mr. Kirkpatrick thought that some volunteer groups, such as the scouts, could be contacted to help clean up the properties and protect them from deterioration.

CHESTER COUNTY LANDSCAPES REVIEW

The Township received a July 6th letter from the Chester County Planning Commission requesting comments on an update to the Chester County's policy plan, Landscapes. The item was on the August 11th PC agenda. Comments were not received from the PC in time for BOS input at its August 17th meeting. Comments were received from the PC Chair, Nicholas DiMarino, in an e-mail dated August 27th. PC Member Scott Boorse also commented. The Supervisors agreed with the comments made by the PC Chairman in that Landscapes does not fit the interests or the needs of the Birmingham residents. Mrs. Nelling contacted the County regarding the deadline for comments, which was supposed to be on September 4th. The Commissioners are meeting on Wednesday, September 9th @ 2 PM to vote on the update. The deadline doesn't provide for adequate time for input from the entire PC. The Board felt that comments provided wouldn't make a difference on the outcome of the vote. Due to the time constraint the Supervisors decided not to provide comment on the Landscapes update.

EQ PUMP REPLACEMENT/SEWER PLANT

Mr. Kirkpatrick reported that the work on the EQ pump replacement at the sewer plant is scheduled to start on September 14th. The work was slightly delayed waiting on the delivery of the equipment. Mrs. Morgan of URS Corporation, sewer engineer, has identified additional work that is necessary to incorporate the new equipment into the

existing building and piping at a cost of \$2,260. Mr. Kirkpatrick said that this was within the 10% contingency set aside to cover field changes. One of the reasons for the required change is that the as-built drawings are not as-built. Mr. Kirkpatrick has requested new as-built drawings at the completion of the work. Mr. Kirkpatrick moved to approve the \$2,260. field change on the EQ pump replacement project as described in correspondence from Sandi Morgan dated September 2nd. (Approved all in favor.)

EAST BRADFORD TOWNSHIP BANNER REQUEST

East Bradford Township is holding its annual East Bradford Day on Saturday, September 26th and has requested permission to erect a banner advertising the event on the train located in the parking lot of the Picnic Park for a two week period prior to the event. The parking lot area is located in Birmingham Township. Chairman Conklin moved to approve the temporary banner for a two week period as a “good neighbor” and to waive the fee for the banner. (Approved all in favor.)

PUBLIC COMMENT

The Township received a request from the Brandywine Battlefield Park Associates to fly the Battlefield of Brandywine flag from September 9th – 13th to commemorate the Battle of the Brandywine, September 11, 1777, and to support local history. After discussion that the flag would be in the bushes if flown under the United States and Pennsylvania flags, it was decided that it would be hung in front of the Township building. Mr. Kirkpatrick commented that most people wouldn't know what the flag represents. He suggested a notice on the web site.

Mr. Kirkpatrick expressed his dismay at the condition of the Arden Forge Property with overgrown weeds and high grass. There is a land development application before the Township on this property. The appearance of the property is not conducive to being a good neighbor. Several complaints have been received on the appearance of the property and the site distance at the intersection. The Board would like the property cleaned up, especially with the Township being open for inspection during Chadds Ford Days and Chester County Days. Mrs. Nelling will call the property owner prior to turning the issue over to the zoning officer.

The meeting was adjourned at 8:23 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer