

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINTUES
NOVEMBER 17, 2008**

The regular meeting of the Board of Supervisors was called to order at 7:31 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
Al Bush	-	Member, Board of Supervisors
Thomas Nelling	-	Chief of Police
Quina Nelling	-	Secretary/Treasurer

Absent was Vice-Chairman, William Kirkpatrick.

Mr. Bush moved to approve the November 3, 2008 minutes as written. Chairman Conklin seconded the motion and it was carried.

Chairman Conklin moved to approve the bills submitted for payment. General Fund bills totaled \$13,363.03. Sewer Fund bills totaled \$13,233.63. Mr. Bush seconded the motion and it was carried.

GIANT FOOD STORE EXPANSION

At its meeting on August 18, 2008, the Board of Supervisors approved the Final Land Development Plan for R.J. Waters & Associates to increase the square footage of the building currently held by Blockbuster by 12,500 square feet. The space would be utilized as an expansion by the Giant Food Stores. The Plan, dated 11/30/07, last revised 7/24/08, consisting of seven sheets, was drawn by Chester Valley Engineers. The Plan was approved with the condition that the Applicant continue to work with the Township Sewer Engineer, URS Corporation, on any sewer related issues, including the determination of the appropriate number of EDU's for the project. If additional EDU's were deemed to be necessary, R.J. Waters & Associates, Inc. would need to come before the Board of Supervisors to request the additional allocation.

Kevin Lahn, developer with R.J. Waters & Associates; Randall Schauer, legal counsel; and Neal Camens, engineer with Chester Valley Engineers, were present to request that the Supervisors reserve three to five EDU's for the Giant Food Expansion. Mr. Schauer has talked with the Township Solicitor, Kristin Camp, about preparing an agreement for the Township to enter into with the developer for reserving the EDU's. The reservation of EDU's has not been done previously in the Township, but this is not an uncommon practice. The final construction plans for the Giant Expansion are not complete at this time. The lease for the current tenant, Blockbuster, does not expire until January 1, 2010.

The Township Sewer Engineer, Sandra Morgan of URS Corporation, has reviewed the request to determine whether additional sewage capacity is required to serve the

supermarket expansion. Two issues surround this request. The first issue is whether the current allocation of 23,175 gpd for the existing tenants of the shopping center is sufficient. URS has been monitoring the daily pump station flows for the shopping center since Salad Works opened in 2008. The maximum flow exceeded the allocated capacity for nine days in January 2008. On a regular basis, the average daily pumped volume is less than the allocated capacity. The flows are being monitored for a year. However, with the closing of Bennigan's, the total pump station flows for the Shoppes will not accurately reflect the total sewage needs.

Mr. Lahn noted that he had three potential restaurant tenants interested in the Bennigan's site and he has meetings with two of them this week.

The second issue is whether the Giant expansion will generate additional wastewater flow beyond the current allocation for the Shoppes. Drawings from a recent expansion of the Giant store in Lititz, PA were reviewed. However, since the floor plans for the expanded supermarket have not been designed yet, it is not possible to determine if additional EDU's will be required. Based on submitted information, additional EDU's might be required for two new restrooms and a coffee shop. However, if some of the food preparation facilities are eliminated, the total sewage needs might not change.

Mr. Bush stated that he felt that Giant was less than forthcoming on their expansion plans as they certainly know what they are doing.

Chairman Conklin said that the Board has to look at the issue of committing EDU's from the sewer plant for all future needs and he would be cautious about reserving capacity without knowing more information.

Mr. Schauer said that the Township committed to providing sewer service for the Shoppes @ Dilworthtown Shopping Center. The Township has never reserved capacity before which is why Mrs. Morgan is being conservative in recommending that three to five EDU's be reserved, when none might be needed. The applicant is trying to get the approved plans signed and recorded for the Giant expansion. R. J. Waters has been a good developer for the Township. They paid to run the sewer line behind the car dealerships and Faucett Drive to pick up a problematic area for the Township, even though this may not have been the most cost efficient way. Also the tapping fee reimbursement cost was waived which the Township gets to keep.

Mr. Bush said that he would like more information from the Township Sewer Engineer before committing to reserving the EDU's. He and Chairman Conklin both felt that the Township was being asked to approve an open-ended request and preferred to look at a proposed sewer agreement before committing to reserving the EDU's. The matter was tabled at this time.

OPERATION OF THE SEWER PLANT

The contract for the operation of the sewer plant expires at the end of this year. The Township received two proposals for operation of the sewer plant. A decision was

postponed until the next meeting when Supervisor Kirkpatrick will be in attendance as he is the liaison for the Supervisors on sewer matters and the Board would have more information to evaluate the proposal.

POLICE REPORT

Chief Nelling reported for the month of October 2008. There were 1,245 incidents, four of which still remain open. There were 10,970 patrol miles logged on the vehicles during the month. Chief Nelling emphasized the importance of locking vehicles parked in driveways and not leaving anything of value in your car as there are continuing incidents of items being stolen from unlocked cars. Mrs. Nelling will put something on the web site about this and some information will be included in the next newsletter.

Mr. Bush noted that there were 27 towed vehicles during October, which seemed like a lot to him. Chief Nelling indicated that all the towed vehicles were as a result of vehicle stops and were necessary because of vehicle and operator suspensions.

PRELIMINARY 2009 BUDGET

Meetings were held to work on the 2009 budget on September 29th and November 12th. Chairman Conklin said that the Supervisors, reluctantly and sadly, are proposing a tax increase of 10.9% from 1.35 mills to 1.5 mills. This is a modest but necessary step as the Township continues to draw down on its reserve. The move was largely impacted by the shrinking revenues as the \$200,000. budgeted for real estate transfer tax receipts in 2008 will take a big hit with the final projection coming in around \$114,000. There have also been a number of appeals in real estate valuations. On the expense side of the budget the Township continues to be a victim of state mandated requirements with no accompanying revenue source to pay for these mandates.

Mr. Bush added that the Supervisors continue to be good stewards of the residents' funds. Birmingham Township has no earned income tax; no open space tax and no emergency services tax. The historical average for tax increases has been 2.5%, less than the rate of inflation at 2.8%. Taxes are lower in Birmingham than in any of the townships that border it. Even with these modest tax increases, the Supervisors have been able to save more than 230 acres of land in the Township, with 40% of the Township being restricted open space.

The general fund budget proposes \$1,683,603. in revenues in 2009, which includes a \$475,025. carry forward from 2008, and \$1,276,450. in expenditures.

With regards to the sewer fund budget, Chairman Conklin said that despite an early loan payment in 2008 which resulted in saved costs, there have been increases in expenditures for the operator and chemicals. Budgeted 2009 revenues are \$745,781. which includes \$312,651. in capital reserve carry forward and \$106,429. in the fund balance carry forward. Budgeted expenditures are \$422,397. As the fund balance continues to decrease, the Board has no choice but to increase sewer rent from \$115./quarter to \$125./quarter in an effort to bring revenues in line with expenditures. As the sewer rent is billed after usage, the increase will take effect on April 1, 2009 for the first quarter

2009 billing. Mr. Bush noted that this rate is still low compared to other sewer rents. East Bradford sewer rent is \$137.25/quarter.

AUTHORIZE ORDINANCE HEARINGS

The Supervisors held a hearing on November 3rd to consider an ordinance to amend the Building Code to require a building permit for all structures and buildings which are accessory to a single family dwelling which have an area greater than 250 square feet. Currently, the Uniform Construction Code only requires permits for accessory structures more than 1,000 square feet. Accessory structures include carports, detached garages, sheds, and decks. The Supervisors continued the hearing to 7:15 on December 15th to consider an additional amendment which would require a building permit for all enclosed decks.

Two other ordinance proposals are being considered by the Supervisors. Mr. Bush moved to authorize advertising to consider an ordinance proposal to amend Chapter 122, Zoning of the Township Code, to define permitted accessory uses; establish green space requirements within a PRD; and to amend the notice requirements for conditional use hearings for December 15th @ 6:45 PM.

Mr. Bush moved to authorize advertising to consider an ordinance proposal to amend Chapter 101, Stormwater Management and Land Disturbance, of the Township Code to comply with the DEP, MS 4 requirements, for December 15th @ 7 PM. Chairman Conklin seconded the motions and they were carried.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 8:05 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer