

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
DECEMBER 1, 2008**

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
Joseph Brion	-	Township Solicitor
Quina Nelling	-	Secretary/Treasurer

Chairman Conklin moved to approve the November 17, 2008 minutes as written. Mr. Bush seconded the motion and it was carried. Mr. Kirkpatrick abstained from voting as he was not in attendance.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$14,006.60. Sewer Fund bills totaled \$4,595.61. (Approved all in favor.)

CJ'S TIRE & AUTOMOTIVE SERVICES CONDITIONAL USE

The Supervisors held hearings on September 2, October 20, and November 5, 2008 to consider a conditional use application from CJ's Tire & Automotive Services to use the property at 1309 Wilmington Pike (Hannum property) for the retail sale of tires and automobile accessories; automobile service and repair; and a second use for storage for an unrelated business (Hannum's).

Solicitor Brion explained that the Supervisors have individually submitted their comments by e-mail on a proposed decision. Based on those comments, Solicitor Brion has prepared a Decision which has been reviewed by the Board members. The Decision addresses traffic, access, test driving, hours of operation, water and sewer, parking, signs, lighting.

With no public comment, Chairman Conklin moved to approve the Conditional Use Decision for CJ's Tire & Automotive Services as prepared by Solicitor Brion. (Approved all in favor.)

BOROUGH OF WEST CHESTER FIRE PROTECTION CONTRACT

The Township has been in negotiations with the Borough of West Chester on a five year contract for fire protection services for Rt. 926 and north. The Borough proposed a substantial increase. Thanks to the efforts of Supervisor Kirkpatrick a 10% reduction in the original proposed rates has been realized in the proposal before the Board. Mr. Kirkpatrick commented that the proposed rate of \$33,485. is still higher than the

Township feels it should be but that it is the best that can be realized after several months of negotiations. Mr. Kirkpatrick moved to enter into a five year contract with the Borough of West Chester for fire protection services. (Approved all in favor.)

OPERATION OF THE WASTEWATER TREATMENT PLANT (WWTP)

The Township is in its last year of its contract with Applied Water Management for the operation of the WWTP and four proposals were requested, with two complete proposals received and one e-mail expressing interest. The Supervisors met with Tom Czop, Operations Manager with Applied Water Management, Inc., in executive session this morning to discuss clarifications on the proposal as well as to open up negotiations. The Board has asked for some clarification on the numbers in the proposal as well as some possible improvement in the numbers. Chairman Conklin said that the sewer fund budget is subject to the same pressures as other areas of the budget. An increase in operation costs and chemicals has necessitated an increase in the sewer rent, even though it is less than the rate being charged by adjoining townships.

PUBLIC COMMENT

Ed Travis, Thornbury Township, Chester County Supervisor, asked the Board if they would be considering a no turn on red sign at the intersection of Penn Oaks Drive and Rt. 202? Chairman Conklin said that he had sent a written reply to Thornbury Township advising that the Township was reviewing the response from PennDOT and the Township records on accident history. At this time, Birmingham Township does not feel that the warrants exist for the signage based on the line of site distance and the lack of accident history.

Mr. Travis stated that he disagreed with the Board's position. He feels that the safety of the driving public should be considered.

The meeting was adjourned at 7:42 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer