

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
JUNE 1, 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
Al Bush	-	Vice-Chairman, Board of Supervisors
William Kirkpatrick	-	Member, Board of Supervisors
Thomas Nelling	-	Chief of Police
Quina Nelling	-	Secretary/Treasurer

Chairman Conklin moved to approve the May 18, 2009 minutes as written. (Approved all in favor.)

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$65,276.56. Sewer Fund bills totaled \$18,621.81. (Approved all in favor.)

**ANNOUNCEMENTS**

Chairman Conklin announced two executive sessions held by the Board:

- May 5<sup>th</sup> with Russ Yerkes of Yerkes Associates to review zoning and building inspection services.
- May 14<sup>th</sup> with the Township Solicitor, Kristin Camp, to review lawsuits and strategies.

**LINE PAINTING**

Chief Nelling has obtained quotes from three vendors for line painting services.

PSX, Kennett Square, PA	\$7,250.00
Traffic Lines, Inc., Farmingdale, NJ	\$7,691.10
Alpha Space Control Co., Inc., Chambersburg, PA	\$9,848.20

Chief Nelling said that the Township had used PSX several years ago and that the price was comparable. He did have a little trouble getting the work completed in a timely manner.

Chairman Conklin moved to accept the bid of \$7,250.00 from PSX of Kennett Square for line painting services. (Approved all in favor.)

**POLICE REPORT**

Chief Nelling reported for the month of May 2009. There were 1,254 incidents during the month. Seven of the incidents remain open. There were 9,380 patrol miles logged on the vehicles. There are still problems with theft from vehicles. The incidents occur

during the week around 2 – 3 AM, usually from unlocked cars or open garages. Areas targeted have been Brinton Run, Fieldpoint, and Heartsease. One car window was smashed and a laptop was stolen.

### **SEWER PLANT REPORT**

Mr. Kirkpatrick reported that the equalization pumps are on order with the work anticipated to begin the end of July. The sewer plant will not be out of service as a portable pump will be dropped into the equalization tank as the work is on-going. URS will be overseeing the project. There is approximately \$9,000. remaining in the estimated budget for this work. Mr. Kirkpatrick informed the Board that the final cost may exceed the budget by a few thousand dollars for URS to inspect the work and for any unforeseen field changes.

The Township is in receipt of a letter from DEP dated May 5, 2009 stating that the NPDES reports were submitted late for 21 out of a 28 month reporting period. There was no prior notification that the reports were being submitted late by the operator of the plant, Applied Water Management, Inc. Apparently the issue has to do with the postmarked date versus the date the reports were received by DEP. DEP is imposing a fine of \$1,575. because of the late submissions and is asking the Township to enter into a consent assessment of civil penalty agreement. The Board has asked the Township Solicitor to review the agreement. DEP has requested that it be executed by June 1<sup>st</sup>. Mr. Kirkpatrick expressed his frustration that the Township, as the permit holder, was never notified of the violation. He noted that there are no violations of the discharge permit; nothing is being emitted into the streams; and the clean streams violation is only because of the submission date of the reports. The Township's recourse is to appeal the fine but the Township would spend more in legal fees to challenge the fine. Mr. Kirkpatrick noted that the fine is being paid by Applied Water Management Company, Inc., the operator, and apparently other clients of Applied Water Management Company have received violation notices and fines because of the same situation. Legal counsel for Applied Water Management, Inc. has been in negotiations with DEP.

Mr. Bush moved to enter into the Consent Assessment of Civil Penalty Agreement with DEP contingent upon the wording in the agreement being approved by the Township Solicitor. (Approved all in favor.) Mr. Kirkpatrick intends to write letters to Senator Pileggi and Representative Barrar regarding DEP's inept handling of this issue.

### **HARB REPORT**

HARB met on June 1, 2009. Chairman Conklin moved to approve the three certificates of appropriateness as recommended by HARB at their meeting. (Approved all in favor.)

- A Certificate of Appropriateness be issued to Colin Malone, 1105 Alexander Lane, Hamilton Place, to alter the rear deck of the house. The plan, dated May 4, 2009, was drawn by Malone Incorporated. The planking material to be used will be Earth wood Solid Plank by Timber Tech in Tropical Walnut. The railing material is a Radiance Rail System by Timber Tech in Coastal White.

- A Certificate of Appropriateness be issued to Theresa Holt, 1360 Brinton Run Drive, to change the color of her house and shutters. The house will be wood stained Juniper Blue by Sherman Williams and the shutters will be painted black.
- A Certificate of Appropriateness be issued to Diane Burkland, 1022 Lambourne Road, to change the cedar siding on the home to vinyl siding by Certain Teed, with the color to remain the same.

A deck extension for Theresa Cohan, 1005 Bottom Lane, was reviewed and HARB determined that it was a field change with no HARB action necessary.

HARB also discussed a barn that had been painted at 1220 Birmingham Road, Sam Crowe residence, without HARB approval. HARB member Scott Garrison will look at the barn and it will be discussed at the next HARB meeting.

The Board discussed synthetic materials versus man-made materials being used in the HARB district. Mr. Kirkpatrick said that synthetic materials available are spectacular and look very similar to the man-made materials and they are a lot less expensive. The Board did not feel the residents should be penalized by having to pay more for man-made materials. The Board requested that HARB review and update its guidelines to address the synthetic materials.

#### **AUTHORIZE ADVERTISING FOR CPA TO PERFORM 2009 AUDIT**

The Township is in receipt of a proposal from Umbreit, Korengel & Associates, P.C. for \$2,950. to make an examination of all Township accounts for the fiscal year 2009 and to prepare a report to the Supervisors. Mrs. Nelling said that the rate represents a \$150. increase over the 2008 audit price, however, it is still lower than prior quotes received to perform the audit. Mr. Bush moved to authorize advertising to consider a resolution at its July 6, 2009 meeting for the appointment of Umbreit, Korengel & Associates, P.C. to perform the 2009 audit. (Approved all in favor.)

#### **BECKER BUILDERS**

Jack & Mike Becker were present to discuss their three lot subdivision located on Brinton's Bridge Road. Approval on the subdivision was received five years ago and it will expire on June 17, 2009. The Beckers were present to request an extension on the approval. There is a tenant on the property who would like to live there for at least three more years. The roof of the garage on the property is deteriorating. Mr. Becker indicated that he had no plans to develop the property in the near future.

The Board expressed concern over any ordinance changes that might affect the property, specifically regarding the recent stormwater management requirements imposed by DEP. The Board said that they would consider the request at its next meeting after receiving input from the Township Engineer and the Township Solicitor.

#### **PUBLIC COMMENT**

There was no public comment.

The meeting was adjourned at 8:09 PM. (JLC)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer