

**BIRMINGHAM TOWNSHIP, CHESTER COUNTY**  
**BOARD OF SUPERVISORS MINUTES**  
**JULY 6, 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
Lloyd Roach	-	Emergency Management Coordinator
Michael Langer	-	Recreation, Park & Open Space Committee Chairman
Dave Rathbun	-	Roadmaster
Quina Nelling	-	Secretary/Treasurer

Mr. Kirkpatrick moved to approve the June 15, 2009 minutes as written. (Approved all in favor.)

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$18,204.93. Sewer Fund bills totaled \$3,412.13. (Approved all in favor.)

Chairman Conklin announced that the Supervisors held an executive session on June 24, 2009 with representatives from Natural Lands Trust to review land acquisition and stormwater issues.

**RECREATION, PARK & OPEN SPACE COMMITTEE**

The Recreation, Park and Open Space Committee has recommended that Jay Monteith, Heartsease Drive, be appointed to replace Carol Leeson on the Committee. Chairman Conklin moved to appoint Jay Monteith to the Recreation, Park & Open Space Committee for a term ending in 2012. (Approved all in favor.)

**EMERGENCY MANAGEMENT RESOLUTION**

EMC Lloyd Roach is recommending that the Supervisors enter into a resolution to participate in a regional emergency management group. This participation would help the Township to comply with the "depth" finding during the NIMS training exercise.

Chairman Conklin moved to adopt Resolution #090706A which was unanimously approved.

WHEREAS, the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. section 7501 mandates that all Commonwealth municipalities provide emergency management in order to plan for, respond to, and recover from major emergencies or disasters within their communities; and

WHEREAS, the National Incident Management System has created the standards by which emergency management is to be provided by all levels of government; and

WHEREAS, Act 93 of 2008 amends Title 35 to create a system of intrastate mutual aid between participating political subdivision within this Commonwealth, whereby each participating political subdivision recognizes that emergencies transcend the boundaries of a political subdivision and that intergovernmental coordination is essential for the protection of lives and property and for the best use of available public and private assets; and

WHEREAS, Birmingham Township strives to meet the challenges of protecting citizens during times of major emergencies or disaster;

BE IT RESOLVED, that the Board of Supervisors of Birmingham Township do hereby approve for Birmingham Township to actively participate as a member of the West Chester Area Regional Emergency Management Group.

### **ROAD REPORT**

Mr. Rathbun reported for the second quarter. There were three complaints for the period.

- The Hamilton Place HOA expressed concern about the debris in the storm water inlet boxes in their development. Mr. Rathbun inspected the storm water system which is working as intended. The debris does not interfere with the functioning of the system. Chairman Conklin asked Mr. Rathbun to advise the HOA.
- The second complaint was from a resident on Sumner Way in Birmingham Hunt regarding a sinkhole behind the curb at the inlet in the visitor parking space next to his house and a depression in the front of the inlet. This will be added to the 2009 road program. A concrete collar will be installed around the inlet and backfill will be put in the sinkhole behind the curb at an estimated cost of \$800. - \$1,000.
- The third complaint was from the homeowner at 1379 Faucett Drive on a significant cave-in area behind the inlet in the ROW. The stormwater outflow pipe from the inlet into a natural swale has separated from the inlet box. The pipe has rusted through and needs to be replaced. This is a \$1,770. repair item which has been added to the road program.

Page Excavating was awarded the bid for the road program. With the add-ons the road work will be right under \$23,000. Work is starting this week. Delays occurred due to the rainy weather. The Board members suggested that additional work be added to the road program. Mr. Rathbun indicated that there were items on the "watch list" but nothing else of any urgency. Mr. Bush felt there was value to extend the edge repair planned on Meetinghouse Road due to the narrowness of the road. The Supervisors encouraged Mr. Rathbun to consider this additional work in the 2009 road program.

## **POLICE REPORT**

Chief Nelling reported for the month of June 2009. There were 1,392 incidents during the month, including nine criminal arrests. There were no car break-ins during June. Police Commissioner Bush noted that the 15 assists to other departments was a higher than usual number. Chief Nelling said that the mutual assists are with the Westtown Police Department.

## **APPOINT CPA TO PERFORM 2009 AUDIT**

It was duly advertised in the Daily Local News on June 4, 2009 that the Supervisors would be considering the appointment of an outside auditor at tonight's meeting. Tim Umbreit of Umbreit, Korengel & Associates has been performing outside audit services for the Township.

Mr. Kirkpatrick moved to adopt resolution #090706B to appoint the firm of Umbreit, Korengel and Associates, P.C., Certified Public Accountants, which is a duly licensed and registered accounting firm in the Commonwealth of Pennsylvania, to make an examination of all Township accounts for the fiscal year 2009 and to prepare a report for the Board of Supervisors on such accounts. The appointed accountant shall be paid a fixed fee of \$2,950.00. (Approved all in favor.)

Mrs. Nelling noted that the fee increased \$150. over last year's rate, however it is still lower than the second lowest bid previously received for the services. Chairman Conklin noted that an annual meeting with the Supervisors had been added onto the scope of work.

## **PUBLIC COMMENT**

Sal Alfano, Thornbury Township, Chester County resident, was in attendance to request that the Supervisors consider supporting legislation or enacting an ordinance to prohibit cell phone use while driving. He felt that hands free access to a phone was acceptable. He cited numerous accidents that had occurred on Rt. 202. Mr. Kirkpatrick said that it would be unattractive for the Township to support an ordinance to ban cell phone use while driving. There is also no practical way to enforce such a law. Birmingham Township only has eight tenths of a mile on Rt. 202 which is a State Highway subject to the enforcement of State laws. He suggested that Representative Barrar and Senator Pileggi be contacted and that he should seek support from his township. Lloyd Roach suggested that Representative Chris Ross be contacted as well, even though he didn't cover this district, since he had supported such a bill.

Mr. Alfano requested that the Supervisors consider the installation of a "no turn on right" sign at the intersection of Penn Oaks Drive and Rt. 202. He said that Thornbury Township would pay for the installation of this signage. The Sunoco gas station is closed. This was a cut through but now it is blocked off.

Chairman Conklin stated that this issue has been reviewed in the past. The Supervisors and the Police Department rejected such a proposal from Thornbury Township. No new information has been presented to warrant re-visiting the issue.

Mr. Kirkpatrick added that a decision was made after careful consideration and deliberation. There was no accident history at this location which was caused by such a turn.

Mr. Bush said that a report from PENNDOT had indicated that there was adequate site distance at the location. Chairman Conklin noted that the PENNDOT report was vague, but without support for the signage.

Chairman Conklin stated that the benefit of services between the municipalities is plentiful. In the spirit of being neighborly all issues are worthy of discussion, up to a point.

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

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer