

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
MARCH 16, 2009**

**ORDINANCE HEARING**

A hearing to consider an ordinance to amend Chapter 115, Vehicles and Traffic, specifically Article II, Section 115-26.1, to establish the placement of two pedestrian crosswalks and the appropriate warning signage on Meetinghouse Road for the Birmingham Hill Trail was called to order at 7:25 PM in the Township Building by Chairman Conklin. A quorum of Supervisors was declared. The hearing was duly advertised in the Daily Local on March 5, 2009. 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	-	Recreation, Park & Open Space Committee Chairman
Lloyd Roach	-	Historic Commission Chairman & EMC
Jacquie Roach	-	Planning Commission Secretary
Kristin Camp	-	Township Solicitor
Jim Hatfield	-	Township Engineer
Quina Nelling	-	Secretary/Treasurer

Chief Nelling stated that four signs have been installed for the crosswalks, two in each direction on Meetinghouse Road. With no further comment, Chairman Conklin moved to adopt Ordinance 09-01 for the crosswalk signage as prepared by Mrs. Nelling. (Approved all in favor.)

**REGULAR MEETING**

Chairman Conklin called the regular meeting to order at 7:30 PM with the pledge of allegiance and the customary moment of silence.

Chairman Conklin moved to approve the March 2, 2009 minutes as written. Mr. Kirkpatrick seconded the motion and it was carried. Mr. Bush abstained from voting as he was not in attendance at the meeting.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$41,309.43. Sewer Fund bills totaled \$9,872.48. (Approved all in favor.)

**GATES/1115 LEGACY LANE**

Julia Gates, 1115 Legacy Lane, was present to discuss a project she and her husband would like to pursue. The house is situated on a hill with a backyard that slopes towards Wylie Road. They would like to level out an area behind the house which should not exceed 2700 square feet. This request is for recreational purposes only; no structures are

planned, except for maybe a swing set. The area to be leveled is the replacement area for their septic system. The sewage disposal system on the property is a drip sewage system. Neither the maintenance person for the system or the Township representative from the Chester County Health Department, Heidi Hoegger, believes that a replacement area is necessary for a drip system. If the system did fail, new tubing could be laid in the area of the current system.

Mr. Hatfield said that he has talked with Mrs. Gates about the land disturbance permit requirements. He also advised her of the requirements of §103-34.B.5 which states that lots less than one acre require a backup absorption area. The replacement area is shown on the recorded subdivision plan. Mr. Hatfield had a conference call with Heidi Hoegger and Julia Gates and confirmed the following information. The drip systems are less likely to fail. The piping could get clogged. Filled area cannot be used for a replacement area for a period of four years. Mr. Hatfield felt there was a high probability that the Gates wouldn't encounter any septic problems.

Mr. Hatfield advised Mrs. Gates to come before the Board to request 1) that the replacement area be eliminated; 2) if the Board doesn't want to waive the requirement for a replacement area that the fill area be tested in four years as a potential location for a replacement area; and 3) allowance of soil testing in the open space for a replacement area.

Mr. Bush confirmed with Mr. Hatfield that stormwater runoff isn't a problem because of the slope of the property from the front yard to the rear.

Mr. Kirkpatrick asked about the condition of the existing drip system? Mrs. Gates replied that it was recently inspected and it is in good running order. Mr. Kirkpatrick asked for a written report on the condition of the system.

Mrs. Nelling has spoken with Sandra Morgan of URS Corporation, the Township Sewer Engineer, on this issue. She advised that the Gates proceed with caution. The leveling is eliminating the potential for a replacement area. A drip system cannot be installed on fill. Soil issues area already a problem on this property as a sand mound was going to be necessary before turning to the drip system. There is no guarantee that a replacement area won't be necessary. Mrs. Morgan disagrees with the maintenance person of the current system that the tubing could be laid in the area of the current system.

Mrs. Camp said that the Township can require a replacement area on the property because there is a replacement area shown on the recorded plan. However, there appears to be enough information from the Chester County Health Dept. and Mr. Hatfield for the Board to waive the replacement area requirement. Based on Mrs. Camp's comments, Mr. Kirkpatrick asked for a written recommendation from the Chester County Health Department, as the Sewage Enforcement Officer for the Township.

Mr. Hatfield also suggested that a grading plan be submitted to the Board for consideration of the request. With this plan; a letter from the Chester County Health

Department; and a letter on the status of the existing system, both Mr. Hatfield and Mrs. Camp felt that this would provide the Board with enough information to consider the waiver request.

Mrs. Camp confirmed with Mrs. Gates that she was not in violation of the Declaration of Covenants for the Subdivision.

### **STORMWATER MANAGEMENT FACILITIES**

Mr. Hatfield said that the Township received its NPDES report review from DEP on 3/16/2008. One of the most urgent comments in the review letter was the need for the Township to adopt an ordinance to address illicit discharge. This was accomplished in 2008 with the adoption of Ordinance 08-03 which added a new article to Chapter 101 for "Prohibited Discharges to Storm Sewer Systems".

Another comment in the report that needs to be addressed by the Township is the obligation the Township has to require that permanent stormwater management practices be designed, constructed, and maintained to protect the public and the environment. The Township has the appropriate ordinances in place to accomplish this goal. The stormwater facilities have been inspected to ensure that they were constructed in accordance with approved plans. The next step is for the Township to ensure that the facilities are still functioning according to their intent. This could be done by the Township notifying the owners of the stormwater management facilities of their maintenance responsibilities or by the Township inspecting all the facilities.

The Township has provided educational information on the NPDES program through the township newsletters and the web site.

Mr. Kirkpatrick commented on his attendance at a session at the CCATO spring convention on stormwater management.

Lengthy discussion ensued on how to best handle this unfunded mandate financially and administratively. After reviewing various options, it was decided that the Township would send a letter to the owners of the stormwater facilities and invite them to a public information session at the Township Building to discuss the NPDES program and the responsibility for operation, maintenance, and inspection of the stormwater facilities.

A future decision will be made on whether the Township or the owners of the stormwater facilities will perform the inspections.

### **BRANDYWINE CREEK GREENWAY PLAN**

Mr. Conklin said that the Brandywine Conservancy is working with a private donor on a project to establish easements and walking trails along the Brandywine River. The project also encompasses Pennsbury and Pocopson Townships. Support is being requested from Birmingham Township with volunteer service and/or a monetary commitment of \$1400.

Michael Langer said that the RPOS Committee would volunteer time to offset services.

Marlou MacIver, Meetinghouse Road, said that this initiative was part of the long-term plan for recreation by the Township. She suggested that information on the web page on this project would be useful.

Chairman Conklin moved to support the Brandywine Conservancy's request for trail easements along the Brandywine River Corridor and to commit funds of \$1400. for this project. (Approved all in favor.)

**ROOF BIDS**

A request for bids to replace the roof on the Township Building was duly advertised in the Daily Local News on March 2<sup>nd</sup> and March 5<sup>th</sup>. Two alternate bids were requested, one for a cedar shake roof and one for an asphalt roof.

<u>BIDDER</u>	<u>ALT.#1/CEDAR</u>	<u>ALT.#2/ASPHALT</u>
Fisher's Roofing & Siding, Kinzers, PA	\$43,650.	\$22,350.
L.J. Paoella Construction, Brookhaven, PA	\$30,360.	\$22,440.
Ram Siding Co., Douglassville, PA	\$36,750.	\$20,563.
Countryside Roofing, Strasburg, PA	\$32,595.	\$16,801.
GEN II Contracting Co., Clarksburg, NJ	\$45,600.	\$26,400.
Bullard Co., Aston, PA	\$40,990.	\$21,970.

Because of the difference in pricing of the two options and the need to incorporate prevailing wage requirements for a bid over \$25,000., the Board of Supervisors decided on an asphalt roof. Mr. Kirkpatrick moved to accept the bid of \$16,801. from Countryside Roofing for alternate #2 for an asphalt shingle roof contingent upon Yerkes Assoc. confirming the accuracy of the bid and upon receipt of satisfactory references on the low bidder. (Approved all in favor.)

Harry Miller, 1002 Bottom Lane, encouraged the Board to pay attention to the color choices. He recommended "Weathered Wood" for the shingle color choice.

**POLICE REPORT**

Chief Nelling reported that there were 1,338 incidents during the month of February. Three of the incidents remain open. There were 8,408 patrol miles logged on the vehicles during the month.

**PUBLIC COMMENT**

Lloyd Roach, EMC, said that one determination from the table top exercise is the lack of depth in the Township for handling an emergency. He has received two responses for volunteers from the web site. He will be bringing in a candidate for the Board to interview to assist in emergency services.

Michael Langer thanked Chief Nelling for responding to the residents' requests for signage on Masters Way.

Chairman Conklin said that the Supervisors held an executive session on March 10<sup>th</sup> to review police services and historic requests from neighboring townships for police services. Birmingham Township is not actively looking to provide police services to adjoining municipalities. There are difficulties in putting together contract services or regional services for adjacent townships. There could possibly be efficiencies and benefits with providing police services to adjoining municipalities but the Board hasn't seen any. The Board doesn't want to mess up something that has been working well for the Township.

The meeting was adjourned at 9:12 PM. (JLC)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer