

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
SEPTEMBER 21, 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. The following Township Officials were in attendance:

John Conklin	-	Chairman, Board of Supervisors
William Kirkpatrick	-	Vice-Chairman, Board of Supervisors
Thomas Nelling	-	Chief of Police
Michael Langer	-	Recreation, Park & Open Space Committee Chairman
Dave Rathbun	-	Roadmaster
Lloyd Roach	-	Historic Commission Chairman & EMC Coordinator
Jacquie Roach	-	Planning Commission Secretary
Kristin Camp	-	Township Solicitor
Quina Nelling	-	Secretary/Treasurer

Absent was Supervisor Al Bush.

Mr. Kirkpatrick moved to approve the September 8, 2009 minutes as written. Chairman Conklin seconded the motion and it was carried.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$115,610.96. Sewer Fund bills totaled \$8,207.80. Chairman Conklin seconded the motion and it was carried.

**DILWORTHTOWN INN WINE FESTIVAL**

Jim Barnes said that the Dilworthtown Inn will be hosting its 18<sup>th</sup> annual wine festival on Sunday, October 11<sup>th</sup>. The event will benefit the Chester County Cancer Center and the Abramson Cancer Center. The Chester County Hospital will provide volunteers to work the event. There will be approximately 700 attendees. Parking will be at the Giant Food Store and the Penn Oaks Country Club with shuttle busses provided for transportation. There are no significant changes from previous years. The event entails food, wine, music and shopping. Signage, road closing procedure for Old Wilmington Pike, and tent locations will be the same. The event will be held from 11 - 4.

Chairman Conklin moved to approve the closure of Old Wilmington Pike for the Wine Festival at the Dilworthtown Inn on Sunday, October 11<sup>th</sup> from 11 - 4 conditioned upon all appropriate documentation being completed, including the indemnification agreement. Mr. Kirkpatrick seconded the motion and it was carried.

**HARB REPORT**

HARB met on September 15, 2009 to consider the application of the Rudibaughs, 1304 Birmingham Road, to install fencing along the east and west property lines. The fence on the east property line will be four foot black aluminum which matches the current fencing

along the front of the property. The fence on the west property line will be a combination of the black aluminum and a four foot post and wire fence. This application was discussed at the September 8<sup>th</sup> Township meeting. An adjacent neighbor, Pat Marshall, had expressed concerns about the entire perimeter being black aluminum. A meeting was held with Mrs. Marshall and a compromise was reached with a portion of the fencing being post and wire. HARB reviewed this change at its September 15<sup>th</sup> meeting and recommended approval of the change in the fencing. Chairman Conklin applauded the Rudibaughs for working with their neighbor on this issue and moved to approve the Certificate of Appropriateness for the fencing as recommended by HARB. (Approved all in favor.)

### **KNOLLS OF BIRMINGHAM HOA**

Joe DeColli, 453 Crescent Drive, representing the Knolls of Birmingham HOA, was present to discuss some Belgian block that was installed along the edge of the landscaping along Knolls Road where it intersects with Old Wilmington Pike. The work was completed in the right-of-way of the road without a highway occupancy permit. The contractor applied for the permit today, after the fact. Mr. DeColli apologized on behalf of the HOA that the work was done without a permit. As the work was done in the road right-of-way, the Township Solicitor will need to prepare an indemnification agreement holding the Township harmless if any damage is done to the Belgian block. Mr. DeColli was advised that the HOA would be responsible for any costs incurred by the Township from its consultants for reviewing the installation and for the preparation of the indemnification agreement.

Chairman Conklin suggested that rods be placed along the road during the winter where the Belgian block is located to define the area for the snow removal activities.

### **RECREATION, PARK & OPEN SPACE COMMITTEE TRAIL DISCUSSION**

RPOS Chairman Michael Langer and Sheila Fleming, Senior Planner of the Brandywine Conservancy, were present to get feedback on the proposed action plan presented at the September 8, 2009 meeting for the feasibility of a volunteer trail program along the Brandywine River between Meetinghouse Road and Rt. 926 as well as a footpath to connect to the trails on the O'Dell farm. Mr. Kirkpatrick asked for a recap of the action plan which was presented by Sheila Fleming.

1. BOS approval of goal, vision, introductory letter to residents, FAQs, mapping, and recommended action plan.
2. Solicit references/contacts from the community – RPOS, Brandywine Conservancy, Worth, Haskell (Pennsbury Township).
3. Contact landowners, Kerstetters and Steinerts, and ask for a meeting.
4. Notify references that landowners have been contacted.
5. Mail an introductory letter to invite participation in the study and to set up a meeting.
6. Meet with landowner, Township representative, and Brandywine Conservancy.
7. Follow up with thank you letter and notes from the meeting.
8. Follow up phone calls and meetings as appropriate.
9. Updates to BOS and RPOS.

A sample letter to the property owners with a Brandywine Greenway and Surrounding Trail Links Map attached had been provided to the Board for input. Chairman Conklin and Supervisor Kirkpatrick had no issues with the proposal but suggested that action be deferred until the October 5<sup>th</sup> meeting so that input could be received from Supervisor Bush.

### **HISTORIC COMMISSION**

Lloyd Roach, Chairman of the Historic Commission, was present to request a \$500.00 contribution to the Chester County Historical Society for a membership fee. The Society provided the Commission with an after hours tour and has also been an invaluable venue for historic resources. Mr. Roach said that the fee would be annually and it would represent a middle level membership for the Historical Society. Mr. Kirkpatrick moved to approve a \$500.00 one time donation for 2009 to the Chester County Historical Society. Chairman Conklin seconded the motion and it was carried. On-going contributions will be considered during the budget process.

The Board asked Mr. Roach to have the Historic Commission consider making a recommendation on filling the vacancy left by the resignation of Donna Landon and to also consider how to best handle minute taking for the Commission.

Mr. Roach has provided a five year budget for the Historic Commission for the Board's consideration.

### **CINGULAR WIRELESS CONDITIONAL USE APPLICATION**

The Township is in receipt of a conditional use application from New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility for a proposed collocation of additional antennas to the existing telecommunications tower located at 1335 Wilmington Pike. Chairman Conklin moved to authorize advertising for a hearing to be held on Monday, November 2, 2009 at 7 PM. Mr. Kirkpatrick seconded the motion and it was carried.

### **MMO FOR PENSION PLANS**

Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans. The law requires the Chief Administrative Officer of each municipal pension plan to inform the governing body of the municipality of the plan's expected financial obligation for the coming year. This must be done by the last business day in September.

The calculation of the 2009 plan costs, or the MMO, required an estimate of the 2009 W-2 wages of the employees covered by the plan.

The minimum municipal obligation for the police pension plan is \$17,862.

The calculation of the non-uniform pension plan has been provided by Trustees of Pennsylvania Municipalities Retirement Plan from projected W-2 wages that Mrs. Nelling provided for the employees covered by the Plan. The minimum municipal obligation for the non-uniform plan is \$38,753. Mrs. Nelling noted that this is a \$16,000.

increase over last year's obligation in order to adjust for the losses in the stock market. The plan's investment is 60% equity.

The pension plan costs will be offset by State Aid to municipal pensions to which the Township is entitled under Act 205.

### **PUBLIC COMMENT**

Mrs. Nelling announced that the first meeting to discuss the 2010 budget will be Monday, September 28, 2009 @ 7:30 PM. Budget information has been received from all the committees except for RPOS.

Mr. Rathbun reported that emergency repairs were done to the inlet along Independence Drive today by Page Excavating Company. This area will still need to be watched as the inlet is below street level and additional regrading may be necessary at the drainage swale.

Mr. Rathbun expressed concern over a large dead tree at the corner of Independence Drive and General Lafayette Blvd. Chief Nelling said that he was aware of the dead tree and that he would handle taking it down.

Mr. Rathbun said that the 2010 road budget has been submitted by the Township Engineer.

Lloyd Roach, Emergency Management Coordinator reported that he has submitted a budget for emergency management. Also, PEMA requires that the Township's Emergency Response Plan be updated every two years. Mr. Roach circulated the Plan as well as the Notification and Resource Manual and the Hazard Specifics Guide Checklist to the emergency management assistants and Chief Nelling for review. Chief Nelling has provided some changes to Mr. Roach. The Supervisors will need to adopt the plan by resolution for forwarding to the County. Mr. Roach has received three names to add to the non-ambulatory list from the request in the last newsletter mailing.

Mr. Kirkpatrick moved to approve a second change order for the equalization pump replacement project at the sewer plant for a net change of \$3,921.50. It was anticipated that changes would be necessary as the new equipment was incorporated into the building and a contingency of 10% was recommended for these items. The changes include:

1. Removal of the existing concrete rings and the installation of two concrete pads.
2. Installation of an existing plug valve on the pump discharge pipe and relocate it in order to prevent sewage from entering the building.
3. Retain existing transducer, stilling well and panel which the operator felt were useful.
4. Install conduit from the MCC to the control panel and upgrade the size of the conduit from the control panel to the PLC.

Chairman Conklin seconded the motion and it was carried. Mr. Kirkpatrick noted that the two field changes that have been approved did not exceed the 10% contingency.

The Township requested premium information from the Township's insurance provider, HA Thomson, in order to review premiums with various deductibles. The Board deferred discussion until the next meeting when input could be received from Mr. Bush.

The meeting was adjourned at 8:28 PM. (JLC)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer