

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
DECEMBER 21, 2009**

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 a moment of silence. A quorum of Supervisors was declared. The following Township Officials were in attendance:

John Conklin	-	Chairman
William Kirkpatrick	-	Vice-Chairman
Al Bush	-	Member
Thomas Nelling	-	Chief of Police
Richard Jensen	-	Building Inspector & Zoning Officer
Michael Langer	-	Recreation, Park & Open Space Committee Chairman
Lloyd Roach	-	Historic Commission Chairman & EMC
Jacquie Roach	-	Secretary for Historic and Planning Commissions
Kristin Camp	-	Township Solicitor
Quina Nelling	-	Secretary/Treasurer

A conditional use hearing to consider an application from Mercedes-Benz for a façade change was advertised for 6:30 PM but was cancelled due to lack of public notification by the applicant to the surround property owners.

Mr. Kirkpatrick added some clarification to the sewer plant report on the last page, last line of the December 7, 2009 minutes. “The pump was removed and returned to the manufacturer for rebuild and the back-up pump was operating with no problems. The dialer problem is being addressed.” Mr. Kirkpatrick moved to approve the December 7, 2009 minutes with the addition to the sewer plant report. Mr. Bush seconded the motion and it was carried.

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$56,573.51. Sewer Fund bills totaled \$1,767.03 Mr. Kirkpatrick seconded the motion and it was carried.

PLANNING COMMISSION REPORT

ARDEN FORGE/301 BRINTON’S BRIDGE PROPERTY

At its meeting on December 8, 2009, the Planning Commission unanimously recommended approval of the preliminary land development plan for the Arden Forge Property located at 301 Brinton’s Bridge Road. The Plan, dated May 20, 2009, last revised November 24, 2009, drawn by Stantec Consulting, Inc. shows the demolition of an existing building addition and the construction of a new building addition with parking, grading, stormwater management and landscaping improvements. The Planning Commission approved the Plan with the following conditions:

1. A determination from the Township Solicitor on whether a variance is needed for the loading area requirements. The Plan proposes no loading area.

2. Approval for the demolition, alteration, or modification of the buildings which are classified as historic resources as specific procedures must be addressed on the Plan.
3. A determination from the Supervisors on waiving the setback requirement of 200' from any existing historic resource for any new buildings or structures as Section 122.36.6.B would preclude any building addition.
4. Architectural plans must be submitted for approval. The Supervisors should determine if these should be approved before preliminary or final plan approval.
5. A Historic Resource Impact Study must be prepared or submitted; timing must be determined; or a variance must be granted.
6. The applicant is requesting a waiver from providing the 50' ultimate right-of-way along the street frontages. The Supervisors need to decide whether a waiver should be granted.
7. An agreement should be entered into with the Township limiting the uses for the property to those that will have few employees and a limited number of visitors (a medical office is seen as a potential problem).
8. Clarification of the lighting plan.
9. Identification on the plan as to whether or not the adjoining property of Dr. Abramson is an historic resource.

Mr. Roach said that the applicant had made it abundantly clear that the structure was going to be maintained and improved which is in keeping with the mission of the Historic Commission so he did not feel that an additional survey (Historic Resource Impact Study, Condition #5) was necessary. Mr. Hatfield did not think that the preparation of a Historic Resource Impact Study was an onerous request. Solicitor Camp stated that the ordinance requires this submission to be prior to preliminary plan approval.

Joe Viscuso, Stantec Consulting, Inc., told the Board that the original submission was for a preliminary/final plan. The Planning Commission was only willing to grant approval on the preliminary plan, at this time. The applicant was present asking approval for the preliminary plan so that a final plan could be submitted. He indicated that architectural plans were submitted with the plan submission (Condition #4).

Kristin Camp opined that she did not feel that a variance was needed from Section 122-102.H for additional loading areas as the applicant has testified at the planning commission meeting that there will be no deliveries from large trucks (Condition #1). The approval would need to reference that a loading area is not required since there will be no deliveries from large trucks.

Regarding Condition #3, Solicitor Camp opined that the 200' setback requirement can be waived. The existing structure is already closer to the lot line than the 200' requirement and the applicant is not proposing to increase or decrease the setback and the structure is an existing non-conforming structure on the property and the addition will be further away from the lot line.

Mrs. Camp explained that the zoning regulations and use provisions of the ordinance don't differentiate between medical offices and offices (Condition #7). The criteria that

could limit the type of office would be the parking requirements. Mr. Viscuso agreed that the parking requirement is self-limiting and many of the uses allowed by ordinance will not work on this unique site. At the final plan submission the uses that will and won't work on the site will be reviewed with the Planning Commission. Solicitor Camp was agreeable to a Restrictive Covenant which would limit the uses for the site.

Discussion ensued on the parking requirements. Mr. Viscuso indicated that the square footage of the building would necessitate 13 parking spaces and an additional 7 parking spaces would be necessary for employees, for a total of 20 parking spaces. The ordinance requirement will actually be for less than 20 parking spaces. There is one double parking space for employees. The parking space at the entrance onto Birmingham Road was discussed at length with the Planning Commission, with the possibility of leaving the parking spaces adjacent to the entrance of the site as reserve parking if needed in the future. This would also reduce the impervious cover on the lot, as the stormwater calculations are based on the 20 parking spaces being installed. Mr. Hatfield supports reserve parking as a concept. On the other hand, he is not in favor of the parking spaces at the entrance of Birmingham Road as he does not feel that they are located in a safe location with having to back up out of a parking spot into potential traffic accessing the property, so he would not even want them as reserve parking spaces. Part of the structure, the kitchen area, is unusable space, according to the applicant, so not using this area in the square footage calculations could reduce the parking requirements. Some other efficiencies could be obtained by modifying the loading area and putting the trash dumpster where the double stack parking space is located. Mr. Viscuso added that the existing buildings on the property are very inefficient because of their age, the thickness of the walls, and the layout of the space. He also feels the ordinance has a double requirement of one space for every employee as well as one space for every 500 square feet. Regardless, the applicant intends to meet the parking requirement of the ordinance and not pursue this with the Zoning Hearing Board.

With regards to Condition #9 of the Planning Commission recommendation, Solicitor Camp confirmed that Dr. Abramson's property is a Class II Historic Resource.

In response to Mrs. Camp's question on handling sewer for the property, Mr. Viscuso said that they are pursuing planning module approval. The property would generate less than 200 gallons per day which is less than one EDU.

If the Planning Commission did not address all the open items in the Township Engineer's letter, Mr. Bush felt it was imperative that the Board review Mr. Hatfield's letter, item by item. He also thought that a summary of the items needing waivers and/or zoning hearing board action would be helpful.

Mike Shiring, legal counsel, was present on behalf of John Abramson, adjacent property owner on Brinton's Bridge Road. He respectfully requested that the Board consider a resolution for the approval of the preliminary plan which would be a guiding document. Dr. Abramson is not opposed to the use, but the property will be utilized to its maximum with the proposed office building use.

Mr. Shiring asked for an explanation of the stormwater plan for the property. Mr. Viscuso said that there is a sub-surface detention basin that sits below the parking area. All stormwater from the property is directed to this basin. There should actually be less run-off from the site. Mr. Shiring confirmed with Mr. Viscuso that none of the water percolates into the soil first. Mr. Viscuso said that it stores 100% of the run-off from a 100 year storm. In fact the system is over sized so it can be a fully contained system. Mr. Hatfield noted that the system was indeed grossly oversized. There is still excess capacity even with water from a 100 year storm. If water did percolate into the soil the overflow mechanism is for the water to pond on the northwest corner of the parking lot and flow down the edge of the driveway and down the southerly shoulder of Birmingham Road away from the five points intersection.

Dr. Abramson said that within two years of construction of the new parking area for the Inn Keeper's Kitchen, the water from Old Wilmington Pike, that was supposed to feed into two deep beds, is actually water shooting out of two outlets, fifteen to twenty feet. The basin holds the water in Lake Clouser, north side of Birmingham Road across from Dr. Abramson's property, until it ices over and then it flows across the road onto his property. A one hundred year storm was not required for water to flow onto his property from this development. His property is under water all the time from the overflow of Lake Clouser and this is where his property percs.

Mr. Hatfield explained that most subsurface systems are deeper than the frost lines so that there will be a percolation of sub-soils even in a deep freeze winter. The Dilworthtown Inn perc tests did not result in any positive results. The sub-surface storage beds do not result in infiltration. The water is released in intervals. He accepts Dr. Abramson's description of the water flow from the Dilworthtown Inn property when there is an icing situation.

Mr. Kirkpatrick noted that the Dilworthtown Inn situation was a different situation as the property did not perc. The Arden Forge sub-surface system could actually hold two one-hundred year storms and the property is bermed along the property line.

Mr. Jensen asked if the property will perc? Mr. Hatfield said that no one from the Township was present for the percolation tests. However, percolation test data was submitted that shows a perc rate of something like six inches/hour, a surprising number, but accepted by the consultant who would be liable for inaccurate testing procedures. Mr. Shiring asked if a property so close to another property that doesn't perc could perc? Mr. Hatfield reviewed the standards for percolation.

Mr. Shiring asked what happens if the sub-surface beds fail and how is a failure determined? Mr. Viscuso said that the methodology used for the design is industry standard and a lesser rate was used to design the system. Solicitor Camp added that the Township has a stormwater operations and maintenance agreement which has to be executed by the developer and recorded. The agreement dictates that the property owner will be responsible for the continual maintenance of the stormwater facilities. If the

system is not functioning as designed, the property owner would have to maintain and redesign the facilities to work as required by the stricter ordinances adopted to comply with DEP requirements.

Chairman Conklin asked about the infiltration on the existing property? Dr. Abramson said that he observed standing water on the Arden Forge property on numerous occasions. There is also a soft slope on the Birmingham Road side of the property that is prime for leakage. The slope runs from the five point intersection to his driveway. There is a slow erosion problem at this time. Mr. Viscuso noted that the property would be re-graded.

Mr. Shiring asked about the landscape buffering and the height of the lighting standards proposed? Mr. Viscuso said that a lighting plan was submitted and it has always been the applicant's intention to have low-level residential lighting on the property. The standards are 13'. Mr. Kirkpatrick asked if the lighting at Dr. Abramson's property line could be minimal or zero? Mr. Viscuso said that the lighting plan does indeed show zero levels at Dr. Abramson's property line. Mr. Jensen asked how far away from the property line the closest standard is located? Mr. Viscuso replied that the closest standard is ten feet from the property line with a one foot candle. Also, the office building proposed is not a business that will have night hours.

Dr. Abramson asked if the employees of the Dilworthtown Inn/Blue Pear Bistro/Inn Keeper's Kitchen would be using the Arden Forge Property for overflow parking? Gary Whelan, applicant, said that there is no parking agreement between the property owners. He thought that the Dilworthtown Inn employees would need parking earlier in the day when the office building is still in use anyway. Solicitor Camp said that parking on an adjacent property is a zoning violation and could result in a citation as the parking for the customers and employees of the Dilworthtown Inn must be contained on its own property.

Dr. Abramson noted that the trash dumpster is adjacent to his property and not near the building on the property. He asked about lighting of the trash area? Mr. Viscuso responded that the lighting plan for the property shows three standards, no special lighting for the trash area. There is a fence enclosure proposed around the trash area which will contain 90 gallon receptacles, no dumpster, as there is not enough room to get a trash truck turned around for a dumpster. Not having a dumpster limits the uses of the property as well. Mr. Viscuso showed on the plan how the trash truck would enter and exit the property. He noted that the plans were re-drawn to address this issue.

Mr. Viscuso presented the landscape plan. A 20' landscape buffer was added after the first review by Mr. Hatfield. Planting species were also reviewed. Mr. Hatfield noted that the landscaping will block the light emitted from the light standards as well.

Chairman Conklin suggested that the Township Solicitor prepare a written resolution addressing all the conditions. Mr. Bush re-iterated the need for a complete listing of all the unresolved issues identified by both the Planning Commission and the Township

Engineer as well as a listing of waivers/variances required. The applicant has provided an extension until December 31, 2009 for action on the Plan. Chairman Conklin moved to accept a second extension provided by Stantec Consulting for the applicant, 301 Brinton LLC, until January 31, 2010. Mr. Kirkpatrick seconded the motion and it was carried. Mrs. Camp will prepare a resolution in conjunction with Mr. Hatfield for review and action by the Board at its January 18th meeting. Mr. Kirkpatrick requested that Dr. Abramson's concerns be addressed as best as possible. It was suggested that the applicant begin the review process with HARB, with the next HARB meeting being on January 19th.

THORNBURY TOWNSHIP COMPREHENSIVE PLAN

At its meeting on December 8, 2009 the Planning Commission reviewed the Thornbury Township Comprehensive Plan Historic Resources Update. The Planning Commission commended the obvious degree of effort and focus that was put forth on the Historic Resources Update and acknowledged the excellent job done by Thornbury Township of explaining the "Legal Foundation" for historic preservation as outlined in Sections 5.2 through 5.5. The Planning Commission did not observe any conflicts between the Thornbury Township Comprehensive Plan Historic Resources Update and the historic preservation plans for Birmingham Township, but the Planning Commission noted that it was significantly limited in its comparison because the black 8 1/2" by 11" maps were nearly impossible to read. Chairman Conklin moved to send a letter to Thornbury Township thanking them for forwarding the Comprehensive Plan Historic Resources Update and including the comments made by the Planning Commission. Mr. Kirkpatrick seconded the motion and it was carried.

EAST BRADFORD TOWNSHIP OFFICIAL MAP

In a cover letter dated November 25, 2009, East Bradford Township forwarded a proposed ordinance and amendments to the official map of the Township. The Planning Commission did not discuss the map at its meeting on December 8, 2009. The Board of Supervisors identified no conflicts between the Birmingham Township Official Map and the East Bradford Township Official Map. Chairman Conklin moved to forward a letter to East Bradford Township thanking them for forwarding the map for review and offering no additional comments on the update. Mr. Kirkpatrick seconded the motion and it was carried.

HARB REPORT

Ed and Amy Borer, 1175 Birmingham Road, had attended the December 15, 2009 HARB meeting to discuss erecting a seven foot deer fence around the perimeter of their property. HARB reviewed the application and deferred to the Supervisors as deer fence was not addressed in the HARB guidelines. Mr. Borer said that he and his wife appreciate the historic vistas and open areas preserved in the Township and they have restored and maintained their property in keeping with the historic district. Extensive planting has been done on the property along Rt. 926 but the view from Birmingham Road has been intentionally left unobstructed for the enjoyment of the vista by passing motorists. If a view of a deer fence is a concern of the Board, the Borers are willing to plant landscaping along the entire length of Birmingham Road so that the view of the deer fence will be

hidden by the landscaping. The Borers recognize that the material of the fence, which is man-made and not natural, is not the preference of the Township. However, there are at least two other deer fences in the Township, and Mr. Borer is unaware of any complaints. The deer fence would be constructed adjacent to the existing post and rail fence on the property which would be the least visible and the easiest for maintenance. Mr. Borer said that the main reason for wanting the deer fence is that Amy Borer is a landscape architect. The Borers have cleaned up the woodland area on their property and have installed extensive and unusual landscape plantings. They want to protect their property from the continuing and intensifying deer problem.

Mr. Kirkpatrick confirmed with the Borers that it was their intention to fence their entire thirty acres. He said that the State has made provisions for additional permits/tags as well allowing year round hunting because of landscape/crop damage. Mrs. Borer said that they have allowed bow hunters on their property but not enough deer have been taken off the property. The Borers would prefer the deer fence as opposed to trying to work on culling the herd. Mr. Borer said that they would allow the deer fence down the center of their property instead of along Birmingham Road if that would make the idea more palatable to the Board, even though it is more expensive. Mr. Kirkpatrick asked what happens to the deer if they are restricted from the Borer property? Mr. Kirkpatrick asked if they have talked to their neighbors as the deer fence would have an impact on the neighbors? The Borers said they have sixteen contiguous neighbors and they have talked to two of their neighbors. Mr. Kirkpatrick said if the Borers are limiting the ingress and egress of the deer then they will be concentrated somewhere else. He has concerns with the application without input from the neighbors.

Mr. Bush said he shares Mr. Kirkpatrick's concern about the impact on the Borers' neighbors. Also, the deer fence does violate the Township ordinance as it is a structure, not a fence, by definition, which means it needs to comply with the setback provisions. Mr. Bush stated that personally he was not a fan of deer fences. Mrs. Borer said that the setback would be a hardship for them. Mr. Bush said that the reason for the setback requirements is to protect the vista. However, he would be receptive to looking at an alternative plan that was less obtrusive.

Chairman Conklin said that the property abuts two busy thoroughfares in the Township and the property is in the HARB District of the Township. He was reluctant to proceed with approving the deer fence as it would set a precedent. He did not agree with the previous Board's decision to approve the existing deer fence that is on Lambourne Road, but it is not visible from Birmingham Road. He said he shares the comments of the other Supervisors. The deer fence will impact the neighbors. In addition to the visibility concerns and the inconsistency with the ordinances, allowing deer fence throughout the Township could create more of a problem because the deer would be channeled onto specific properties to a greater extent. Mrs. Borer said that many people enjoy the deer. She did not feel that many residents would erect deer fence because of the cost. Mrs. Borer said she cages the plants each fall.

Mr. Bush said that he didn't like the concept of having all the deer directed onto other properties by the Borers erecting a deer fence. The Borer property is also one of the focal points of the Township and he did not want to see seven foot poles sticking up on the perimeter of property with the fence attached to it. He was sympathetic to the plight of the Borers trying to keep the plantings but he has a problem with the scope of the project. He does not think it is consistent or fitting with the character of the Township and the HARB District. He appreciates the effort by the Borers to maintain the property.

Mr. Kirkpatrick said that he has lost every flower planted but that erecting the deer fence around the Borer property would be similar to erecting a deer fence around his entire neighborhood. The impact on the neighbors has to be considered and he was not in favor of the fence.

Mrs. Nelling expressed concern with the diversion of the deer onto Birmingham Road and Rt. 926. With 17 reported deer struck last month in the Township, her biggest concern with the fence was the safety issue.

Chairman Conklin said that waiting thirty days to vote would not change his opinion on the application. He moved to thank the applicant for the work on the property but to reject the application by the Borers for the installation of a seven foot deer fence around the perimeter of their thirty acre property. Mr. Kirkpatrick seconded the motion and it was carried.

Solicitor Camp informed the Board that a written resolution is necessary for the denial of a Certificate of Appropriateness. She will prepare a resolution for action by the Board at the January 18th meeting.

AIKEN/1225 BIRMINGHAM ROAD

At its meeting on December 15, 2009, HARB recommended that a Certificate of Appropriateness be issued to Robert Aiken, 1225 Birmingham Road, to replace the roof on the carriage house with a man-made material with slate appearance in either Federal Gray or Midnight Gray Blend manufactured by EcoStar. Mr. Bush moved to approve a Certificate of Appropriateness for Robert Aiken as recommended by HARB. Mr. Kirkpatrick seconded the motion and it was carried.

BULL DURHAM'S TEXAS BBQ AND STEAKS CONDITIONAL USE DECISION

On November 11, 2009, the Supervisors granted verbal approval to Lisa and John Durham to use the former Bennigan's restaurant located at 1347 Wilmington Pike as an eating and drinking establishment with live music and dancing as an accessory use. Solicitor Camp has prepared the written decision for the conditional use approval and added findings of fact and conclusions of law. The written decision clarifies "saloon" which is the dance floor area. This area will not be open or utilized on Sundays, Mondays, and Tuesdays, unless a holiday would fall on one of these days and various dance floor activities and/or live bands will occur on Wednesday, Thursday, Friday, and Saturday evenings. Chairman Conklin moved to approve the written conditional use

decision for Bull Durham's Texas BBQ and Steaks as prepared by the Township Solicitor. Mr. Kirkpatrick seconded the motion and it was carried.

APPROVAL OF HOLIDAYS FOR EXTENDED HOURS

Condition #5 of the Order requires that the applicant submit a list of proposed holidays in which they intend to extend the hours of operation at the restaurant. The list must be approved by the Supervisors. In a letter dated November 13, 2009, John Jaros, legal counsel, has submitted the list which includes, New Year's Eve; Valentines' Day; Saint Patrick's Day; Memorial Day Weekend Sunday; Labor Day Weekend Sunday; Halloween; and Thanksgiving Eve. Chairman Conklin moved to accept the list of holidays as submitted. Mr. Bush seconded the motion and it was carried.

AWNING REMOVAL AND REPLACEMENT WITH PORCH LIKE STRUCTURE

The Durhams have submitted plans to remove the awning that extends over the sidewalk and to replace it with a roof. The conditional use decision requires that the Board approve any modifications to the building. Mr. Jensen thought the change may soften the appearance of the building. Mr. Kirkpatrick said that it was obvious that this was going to be the smokers' spot. Mr. Kirkpatrick moved to approve the awning removal and to replace it with a porch like structure as shown in the plans submitted to Rich Jensen. Chairman Conklin seconded the motion and it was carried.

TEMPORARY BANNERS

The Durhams have requested the Board's permission to install banners on the restaurant which would be canvas on top of plywood. The square footage of the banners would be no larger than the Bennigan's signs that are on the building now. The temporary signage is being requested from January 4, 2010 until March 13, 2010, or until the new signs are ready. Mr. Jensen said that a permit would be required for the temporary signage and another permit for the permanent signage. Chairman Conklin moved to approve the request for the temporary banner signage for the time period requested with the condition that the signage does not exceed the size of the existing signage on the building. Mr. Kirkpatrick seconded the motion and it was carried.

AUTHORIZE ADVERTISING FOR MERCEDES-BENZ CONDITIONAL USE

Chairman Conklin moved to re-authorize advertising for the Mercedes-Benz conditional use hearing request for the consideration of a façade change for Monday, January 18th @ 6:45 PM. Mr. Kirkpatrick seconded the motion and it was carried.

2010 FINAL BUDGET

Mrs. Nelling said that the preliminary 2010 budget was approved for public inspection at the November 16th meeting. It was duly advertised for public inspection on November 18th in the Daily Local News. There are no changes to the budget. The budget proposes a carry forward of \$538,482. The snow removal expense for December has exceeded \$30,000. Mrs. Nelling anticipated the carry forward to be decreased by that amount. The budget proposes a millage rate of 1.6 mills and the implementation of an LST tax, which is a local services tax of \$52., which must be paid by anyone that works in the Township,

including those that are self-employed. Mr. Bush moved to accept the 2010 budget as prepared by Mrs. Nelling. Mr. Kirkpatrick seconded the motion and it was carried.

Chairman Conklin stated that the last two years have seen a drop in revenues while holding the line on expenses, including deferring the purchase of a police vehicle. When revenues were stronger the Board was able to pre-pay on the outstanding debt. Chairman Conklin said that he has voted for tax increases so that the reserve would not go any lower. The Township has absorbed new expenses, such as the Birmingham Hill trail and its maintenance expenses. The reserve is important for two reasons. Tax bills do not get sent out until the second quarter of the year. The reserve is needed to cover the bills from the first quarter, so either a reserve or a tax anticipation loan is necessary to take the Township through the first quarter of each year. Deferring the purchase of a new police vehicle and using the reserve to cover additional snow removal expenses can only be deferred for so long. If the LST does not work or if property taxes raise the necessary revenues needed, Chairman Conklin said he would recommend the lowering of the millage rate. The Township is trying to hold the line. No monuments are being built and no additional personnel are being hired. There are also significant pressures from Harrisburg and Washington, DC and the Board has done all it can do to not raise taxes but the Township lives on its means.

Mr. Kirkpatrick added that the sewer rates are not being increased in 2010. Chairman Conklin noted that there was a large capital reserve expenditure in 2009 with the equalization tank pump replacement but the sewer is paid for by the users of the system.

Mr. Bush noted that Birmingham Township has one of the lowest millage rates in the area and the Township has not imposed an earned income tax and about 80% of the townships impose an earned income tax. He agreed that the Board has done a good job being stewards of the residents' money.

BERKHEIMER RESOLUTION FOR LST TAX

At the November 16, 2009 meeting, the Board adopted an ordinance for the collection of a Local Services Tax. Berkheimer Associates was appointed for the collection of the tax. Berkheimer has provided the Township with four resolutions that need to be passed for the collection service. At the December 7th meeting the Board asked the Township Solicitor to combine the four resolutions into one resolution.

Solicitor Camp presented the resolution which appoints H.A. Berkheimer, Inc. as the Township's tax hearing officer for purposes of adjudicating appeals filed relating to the collection of the local services tax adopted by the Board in Ordinance #09-03; appoints Quina Nelling as the Township's liaison between the Township and Berkheimer for the express purpose of sharing confidential tax information relating to the local services tax; and authorizes Berkheimer to impose and retain its cost of collecting delinquent local services taxes.

Chairman Conklin said that the only concerns that he has heard with the tax is that it is cumbersome for those that are self-employed in the Township and if it becomes an issue

the Board may have to reconsider the tax. Mr. Bush said that he did not understand that residents of the Township that already paid property tax would have to pay the LST tax as well.

Chairman Conklin moved to adopt Resolution #091221 for the appointment of Berkheimer as the Township's tax hearing officer; to impose and retain costs on delinquent taxes; and to appoint Quina Nelling as the liaison between Berkheimer and the Township. Mr. Bush seconded the motion and it was carried.

PUBLIC COMMENT

Chairman Conklin told Mr. Roach that RPOS would be inviting the Historic Commission to collaborate in a joint venture for the interpretive signage for Birmingham Hill.

The meeting was adjourned at 9:31 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer