

**BIRMINGHAM TOWNSHIP, CHESTER COUNTY  
BOARD OF SUPERVISORS MINTUES  
MAY 3, 2010**

**CJ'S TIRE CONDITIONAL USE HEARING**

A hearing to consider a conditional use modification application from CJ's Tire and Automotive Services was held at 7PM prior to the regular Township meeting. The application is for the retail sale of tires and automobile accessories; to use the property for associated automotive service and repair; to allow two or more uses on the property (automobile service and repair and storage for an unrelated business); and a waiver from the ordinance requirement which requires a landscape plan to be prepared by a registered architect to be filed with the conditional use application. The hearing was duly advertised in the Daily Local News on April 19<sup>th</sup> and 26<sup>th</sup>. The hearing was transcribed by Court Reporter Colleen Pimer. Due to the fact that the property had not been posted for the hearing, the Board continued the hearing until 7 PM on Monday, May 17<sup>th</sup> in order to allow time for the posting.

**REGULAR MEETING**

The regular meeting of the Board of Supervisors was called to order at 7:35 PM 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
Rich Jensen	-	Zoning Officer & Building Inspector
Quina Nelling	-	Secretary/Treasurer

Chairman Conklin moved to approve the April 19, 2010 minutes as written. Mr. Kirkpatrick seconded the motion and it was carried.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$16,155.55. Sewer Fund bills totaled \$8,695.14. Mr. Bush seconded the motion and it was carried.

**PUBLIC COMMENT**

The Commonwealth of PA Sunshine Law Act 93(as amended in 1998) requires public comment to be held before official action is taken. The Supervisors changed the agenda to have public comment before agenda items so residents wouldn't have to wait until the end of the meeting to speak about a subject.

**GATEWAY COMMUNITY CHURCH**

Jennifer Marsala, representing Gateway Community Church located in Media, was present to discuss her church's potential interest in purchasing the Dilworthtown Presbyterian Church property on Birmingham Road. The biggest concern of the church

is potentially needing additional parking for a growing congregation. The parking on the property satisfies the current needs of the church but there was concern that it wouldn't satisfy future growth. The sanctuary can handle 200 people but the parking appears to be for about 75. She has talked with Jim Barnes at the Dilworthtown Inn about parking on the grassy field adjacent to the church, but he referred her to the Township. Another possibility would be street parking on Brinton Run Drive. The Board was not in favor of the parking on Brinton Run Drive because of the safety concerns of the pedestrian traffic along Birmingham Road. They were not opposed to parking on the Dilworthtown Inn property but explained to Ms. Marsala that the field has been reserved for possible overflow parking for the uses at the Dilworthtown Inn. There is also a drainage/flooding issue on the lower portion of the property adjacent to Birmingham Road.

The Board explained that it is hard to comment on a proposed project without a plan in place. A plan for additional parking would be considered a land development plan and it would have to be reviewed by the Township's Planning Commission for a recommendation to the Board.

Mr. Jensen said he has also met with another party that is interested in the property for a Montessori School.

#### **OTHER BUSINESS**

Chairman Conklin commended Mrs. Nelling for the successful audit letter from PennDOT on the 2009 liquid fuels audit.

Mr. Kirkpatrick said that Sandi Morgan of URS Corporation is proceeding with a rough outline of the manhole repair project. Mrs. Nelling confirmed with the Board that this project was being considered a maintenance item and not being paid for out of the capital reserve funds.

#### **POLICE REPORT**

Chief Nelling reported for the month of April. There were 1,148 incidents during the month. There was a residential burglary on Rt. 926 near Creek Road. There were three arrests in April. The Supervisors noted a monthly low number of deer struck at four.

#### **BUILDING INSPECTOR'S COMPENSATION**

Mr. Bush told the Board that it was brought to his attention that there are a couple of items for the building inspector's compensation that were not addressed during the initial hire. Mr. Bush proposed additional compensation of 70% of the \$75.00 fee for failed inspections and \$40./hr. for attendance at HARB meetings. Mr. Jensen suggested a rate of \$60.00/hr. for running the bid project for the Township's drainage and grading project. The Board was agreeable. Mr. Bush moved to accept the proposed compensation rates for other identified work being performed by Mr. Jensen. Chairman Conklin seconded the motion and it was carried.

### **TOWNSHIP BUILDING GRADING/DRAINAGE PROJECT**

The Township Building experienced some water damage in the police department during the winter snow melt. Mr. Jensen has obtained quotes from two sources to open up the wall to determine the problem. He is assuming that there is perched water, collapsed lines and clogged drains. He got a lump sum rate from one contractor to do the work and a daily rate from a second contractor. It appears the job will cost over \$10,000. which will require public bidding. Mr. Kirkpatrick emphasized the need to be prudent and judicious with the residents' money. Mr. Jensen said that the numerous pictures taken during construction of the building were helpful to determine the scope of the job. But, the job is an unknown until the wall is opened. He suggested that a drainage board be added when the ground is opened. Mr. Jensen will prepare the bid specs for the Supervisors to review with anticipated action for authorizing advertising for bids at the next Township meeting.

### **RESOLUTION TO APPOINT AGENT FOR SNOW ASSISTANCE APPLICATION**

Mrs. Nelling attended a kick-off meeting hosted by FEMA/PEMA on Friday, April 30<sup>th</sup> for the February snow disaster assistance. The Township needs to submit several forms in order to be eligible to participate in the reimbursement procedure. Several forms have already been submitted. The Board needs to adopt a resolution to designate an agent to represent the Township during the reimbursement process and to meet with FEMA for the submission. Mr. Bush moved to authorize Quina Nelling, Secretary/Treasurer, as the agent. Mr. Kirkpatrick seconded the motion and it was carried.

The meeting was adjourned at 8:23 PM. (JLC)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer