

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
FEBRUARY 16, 2010**

The regular meeting of the Board of Supervisors was called to order at 7:33 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
Dave Rathbun	-	Roadmaster
Rich Jensen	-	Building Inspector & Zoning Officer
Kristin Camp	-	Township Solicitor
Quina Nelling	-	Secretary/Treasurer

Chairman Conklin moved to approve the February 1, 2010 minutes as written. Mr. Bush seconded the motion and it was carried. Mr. Kirkpatrick abstained from voting as he was not in attendance.

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$83,686.05. Sewer Fund bills totaled \$9,268.35. Mr. Kirkpatrick seconded the motion and it was unanimously carried.

HARB REPORT/1175 BIRMINGHAM ROAD/BORER

HARB met on January 19th to consider an application from the Borers, 1175 Birmingham Road, to erect a four foot electric wire fence around the perimeter of their property, approximately three feet away from the existing post and rail fence and to erect a gate at the end of the driveway. The Borers had previously requested approval for the erection of a seven foot deer fence around the entire perimeter of their property but this request was denied. The Borers were present with legal representation from Bob Adams. HARB recommended that a Certificate of Appropriateness be issued to the Borers.

Mr. Borer noted that in the denial of the deer fence request that his property was listed as being in the ART (Agricultural Residential Transition) District but that his property is actually in the R-A (Residential Agricultural) District.

Mr. Adams indicated that he agreed with Solicitor Camp that the decision that the Board made in approving deer fence for the Burkland property on Lambourne Road was not precedent setting.

The Borers had requested that deer fence be allowed to be constructed along a portion of the property that did have frontage along a public road and that the four foot electric wire fence be constructed along the public roads. As the Supervisors had previously denied the application for deer fence HARB did not consider this proposal.

The Borers are also proposing to electrify the outside of the existing post and rail fence located on the property. Mr. Kirkpatrick expressed concern for public safety for anyone walking along the road that may inadvertently be zapped by the electric fence. He suggested that the fence be electrified on the inside rather than the outside of the existing post and rail.

Mr. Kirkpatrick moved to approve the seven foot deer fence along the inside rear perimeter of the property with the four foot electric wire fence along the visible public rights of way with the existing post and rail fence to be electrified on the inside. Neither Chairman Conklin nor Mr. Bush seconded the motion as they were not in favor of deer fence.

A representative from the company that would install the fencing was present to discuss alternatives for materials and colors for the posts and the insulators. The posts could be fiberglass, steel or wood and the insulators could be most any color. The wire would be a braided rope cable system.

Mr. Bush asked exactly where the posts would be located and the spacing of the posts as he felt that the posts should be directly behind the existing wood posts of the post and rail. The Borers were agreeable.

Chairman Conklin moved to approve a Certificate of Appropriateness to the Borers, 1175 Birmingham Road, to install a four foot high electric wire fence composed of three strands of electric cables which will be attached to wood posts. The Certificate of Appropriateness was approved with the following conditions.

1. The wood posts will be of similar appearance and material as the existing post and rail fence.
2. The existing post and rail fence will have one electrified wire on the inside rail.
3. The insulators will be black.
4. The wood posts on the new electric wire fence will be installed directly behind the existing wood posts, approximately three to four feet away, and spaced at intervals of approximately thirty feet.

Mr. Kirkpatrick seconded the motion and it was unanimously carried.

MERCEDES-BENZ CONDITIONAL USE DECISION FOR FAÇADE CHANGE

On January 18, 2010 the Supervisors considered an application from Car Con Pa WCLP to modify the conditional use application for the Mercedes-Benz Car Dealership, 1260 Wilmington Pike, to revise the façade of the building and to reduce the front yard setback for the canopy structure. Chairman Conklin moved to approve the written decision prepared by Solicitor Camp to deny the application which was consistent with the oral decision given on January 18th. Mr. Bush seconded the motion and it was unanimously carried.

CHAPTER 94 REPORT FOR THE WWTP

The Township is in receipt of a proposal from Applied Water Management to prepare the 2009 Chapter 94 Municipal Wasteload Management Report which is required by PADEP for immediate and long-term planning for the sewer treatment plant for a proposed cost of \$2,750.00, which is a \$250. increase over the cost from last year. However, in the past, the Township has obtained a quote from URS Corporation for this service and their proposal was over \$5,000. to get the information compiled to begin this service which requires gathering and compiling historical hydraulic data, occupancy data, influent organic loading, and new connections. Mr. Kirkpatrick moved to approve the expenditure of \$2,750.00 as proposed by Applied Water Management for the preparation of the Chapter 94 report for 2009. Chairman Conklin seconded the motion and it was unanimously carried.

EAST BRADFORD TOWNSHIP OFFICIAL MAP AMENDMENT

The Township received an Official Map Update from East Bradford Township on January 20th. It was reviewed by the Planning Commission at its meeting on February 9th but no motion was made. These map revisions were made based on comments received from municipalities and the County in 2009.

Chairman Conklin moved to forward a letter to East Bradford Township offering no additional comments on the Official Map Update. Mr. Bush seconded the motion and it was unanimously carried.

SCHEDULE HEARING FOR ORDINANCE AMENDMENTS

The Planning Commission has forwarded an ordinance proposal on billboards to the Supervisors for its consideration. There have also been some wording changes in other ordinances that have been identified that need to be addressed for clarification purposes. Additional ordinance recommendations are being worked on by the Planning Commission. Chairman Conklin moved to authorize an ordinance hearing at 7 PM on April 5th to consider changes to Chapter 122 for the billboard regulations and other wording changes as identified and to authorize a hearing at 7:15 PM to consider an amendment to Chapter 82, Peddling and Soliciting. Mr. Bush seconded the motion and it was unanimously carried.

ROAD REPORT

Mr. Rathbun said that the Spring Road Inspection is scheduled for Tuesday, March 9th. However, due to the recent snow falls he feels that it is highly unlikely that the road inspection can be done that day. The Township is planning a major repaving program this summer and the Township Engineer has indicated in the past that it is beneficial to the Township to get the bid package out as early as possible to hopefully receive more bids. A back-up date of March 23rd for the road inspection was chosen, if necessary.

PUBLIC COMMENT

Mrs. Nelling reported that the snow removal budget is \$80,000. The Township spent \$27,470. on the February 5th – 6th storm and \$39,395. on the February 9th – 11th storm for services from Page Excavating, excluding salt.

The meeting was adjourned at 8:20 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer