

**BIRMINGHAM TOWNSHIP, CHESTER COUNTY
BOARD OF SUPERVISORS MINUTES
APRIL 19, 2010**

The regular meeting of the Board of Supervisors was called to order at 7:31 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
Thomas Nelling	-	Chief of Police
Rich Jensen	-	Zoning Officer and Building Inspector
Lloyd Roach	-	EMC and Historic Commission Member
Dave Rathbun	-	Roadmaster
Jim Hatfield	-	Township Engineer, VanDemark & Lynch, Inc.
Quina Nelling	-	Secretary/Treasurer

Chairman Conklin moved to approve the April 5, 2010 minutes as written. Mr. Kirkpatrick seconded the motion and it was carried.

Mr. Kirkpatrick moved to approve the bills submitted for payment. Mr. Bush seconded the motion and it was carried. General Fund bills totaled \$21,086.08. Sewer Fund bills totaled \$12,874.32. State Fund Check #143 for \$501.85 was approved for payment to East Bradford Township for the portion of East Regimental Drive that is in Birmingham Township but maintained by East Bradford Township.

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. There was no public comment.

ROAD PROGRAM

It was duly advertised in the Daily Local News on March 23rd and March 26th that the Supervisors would be opening bids for the 2010 Road Program at the April 5th meeting. Due to an error in the bid documents the opening of the bids was deferred until tonight's meeting. VanDemark & Lynch Inc. notified all parties that received bid packages of the change. Bids were requested for a base bid and three separate add alternates. Ten bid packages were received. The bids for the base bid and the three add alternates were read.

J. Sucher & Sons, Inc., Eddystone, PA	-	\$200,723.20
Charlestown Paving, Devault, PA	-	\$179,118.50
Innovative Construction Services, Folcroft, PA	-	\$188,079.00
S.A. Macanga Paving, West Chester, PA	-	\$218,311.40

Lyons & Hohl, Inc., Bridgeport, PA	-	\$253,105.22
Melchiorre Construction, Malvern, PA	-	\$193,276.00
D. Malloy Paving, Inc., Downingtown, PA	-	\$183,323.50
A.F. Damon Company, Upland, PA	-	\$187,105.00
JJD Contracting, Aston, PA	-	\$226,941.16

The estimate for the road program by VanDemark & Lynch, Inc. was \$209,235.00. Mr. Hatfield said that Charlestown Paving has the low bid for the base bid and with one of more of the alternates added to the base. He has not worked with Charlestown Paving for the Township but he is familiar with their work for developers in the Township. Mr. Hatfield noted that the bid from JJD Contracting was invalid because it did not include the addendum, however that was a moot point since they were not the low bidder. Mr. Kirkpatrick noted that the base bid plus the alternates is 14% below the estimate of VanDemark and Lynch, Inc.

The Board had previously discussed reserving \$25,000. of liquid fuels for snow removal expenditures and \$25,000. for emergency work. There is \$228,832. in the State Fund. Mr. Rathbun noted that there are a few minor maintenance items that need to be addressed that aren't in the road bid, but nothing major. Those items are a stormwater pipe at the entrance of Heartsease that is plugged and needs to be opened and a sink hole on Hampshire that has been filled twice.

The Board felt that the pricing was good and that enough funds would remain in liquid fuels for emergencies and snow removal with doing the entire road package. Mr. Bush moved to award the bid for the 2010 Road Program to Charlestown Paving for \$179,118.50 which includes the base bid and the three alternates. Chairman Conklin seconded the motion and it was carried.

RESOLUTIONS

HAZARDOUS MITIGATION

FEMA regulations for local governments require that local hazard mitigation plans be initially submitted to FEMA for approval and subsequently every five years thereafter. A FEMA approved local hazard mitigation plan must be in place in order to apply for and receive project grants under the Unified Hazard Mitigation Assistance Programs which include:

- Hazard Mitigation Grant Program
- Pre-Disaster Mitigation
- Flood Mitigation Assistance
- Severe Repetitive Loss

Mr. Roach explained that the grant money could be used for mitigation measures such as road culverts and other mitigation measures that would reduce flooding in the Township.

Chairman Conklin moved to adopt Resolution #100419A to adopt the Chester County Multi-jurisdictional Hazard Mitigation Plan as the official Hazard Mitigation Plan of the Township. Mr. Bush seconded the motion and it was carried.

PENNDOT ON-LINE REPORTING SYSTEM

During a recent PennDOT audit of liquid fuels, the Township was asked to enter into an agreement with PennDOT for electronic access to PennDOT systems for filing reports and to adopt a resolution to use the dotGrants on-line reporting system and to designate the Secretary/Treasurer to execute and provide all information necessary for the completion of the reports. Chairman Conklin moved to enter into the intergovernmental agreement with PennDOT for the authorization of electronic access to PennDOT systems and to adopt Resolution #100419B to authorize the use of the dotGrants on-line reporting system to file the annual liquid fuels forms and to designate the Secretary/Treasurer as the responsible party for the Township to complete and file the annual forms. Mr. Kirkpatrick seconded the motion and it was carried.

CHADDS FORD TOWNSHIP COMPREHENSIVE PLAN

The Township is in receipt of the Chadds Ford Township Comprehensive Plan which was reviewed by the Planning Commission at its meeting on April 13th. The Planning Commission noted that the map was mostly indecipherable. The significant points of contact for the two townships are at Dilworthtown, on Creek Road, and on an undeveloped tract zoned for two acre lots.

The Planning Commission made the following comments on the Plan:

- Birmingham Township will cooperate with Chadds Ford Township wherever the townships intersect; and
- Birmingham Township suggests that Chadds Ford Township prepare flood hazard mitigation plans for the area where Creek Road crosses Rt. 1.

Lloyd Roach said that the second comment was a recommendation that he made at the Planning Commission meeting as access to Birmingham Township is blocked when it floods. The Board felt that this comment may be preaching a little bit to Chadds Ford Township. Chairman Conklin moved to authorize the Township Secretary to send a letter to Chadds Ford Township endorsing their Comprehensive Plan and to include only the first comment on the Plan as proposed by the Planning Commission. Mr. Bush seconded the motion and it was carried.

TREASURER’S REPORT

Mrs. Nelling reported for the first quarter 2010. Financial statements were provided to the Board of Supervisors prior to the meeting.

General Fund Balance	-	\$329,870.
Sewer Fund Balance	-	\$471,754.
State Fund Balance	-	\$228,832.

<u>General Fund Revenues</u>	<u>Budget</u>	<u>Actual</u>
Total Revenues	\$1,220,212.	\$173,923.
Carry Forward into 2010	529,346.	480,654.
Real Estate Taxes	756,662.	36,292.

Transfer Taxes	120,000.	22,114.
Vehicle Code Violations	60,000.	12,007.
Building Permits	25,000.	5,282.

<u>General Fund Expenditures</u>	<u>Budget</u>	<u>Actual</u>
Total Expenditures	\$1,235,615.	\$325,290.
Legal	20,000.	6,101.
Police Department	533,130.	103,762.
Building Permits	25,000.	7,607.
Snow Removal	80,000.	104,825.

Mrs. Nelling noted that the carry forward figure anticipated receipt of the \$40,000. grant for Birmingham Hill in 2009 but it was not received until 1/2/2010. There was no transfer tax for the month of March so the second quarter receipts may be low. Snow removal expenditure does not include the 2009 December storm which was paid for in 2009 nor any expenditures made out of liquid fuels. Building permit revenues are still a little higher than expenditures but the expenditure includes bills to Yerkes Associates for prior permits. Mrs. Nelling noted that the change in Building Inspectors has been beneficial financially and that permit and zoning issues are being addressed more efficiently.

<u>Sewer Fund</u>	<u>Budget</u>	<u>Actual</u>
Revenues	\$317,175.	\$ 79,486.
Carry Forward	474,191.	480,981.
Expenditures	313,069.	88,713.

OTHER BUSINESS

Mr. Kirkpatrick said that he and Jim Hatfield had attended a meeting on Phase I of the County-wide PA Act 167 Stormwater Management Plan. The County Plan parallels the Township's Plan and doesn't alleviate the Township of its stormwater responsibilities under MS4.

Mr. Roach said that the Emergency Operations Plan renewal is due in May.

The meeting was adjourned at 8:29 PM after a break from 7:57 PM – 8:10 PM while the Township Engineer reviewed the bids received for the 2010 road program for accuracy and in order to prepare the bid tabulation worksheet.

Respectfully submitted,

Quina Nelling
Secretary/Treasurer