

**BIRMINGHAM TOWNSHIP, CHESTER COUNTY
BOARD OF SUPERVISORS MINUTES
MAY 17, 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 19th and 26th for a May 3rd hearing. The hearing was called to order on May 3rd and continued until May 17th as the property had not been duly posted. The hearing was transcribed by Court Reporter Colleen Pimer. A break was taken from the hearing to conduct the regular Township meeting. After the regular meeting the hearing resumed and the record closed.

REGULAR MEETING

The regular meeting of the Board of Supervisors was called to order at 7:38 PM in the Township Building by Chairman Conklin. 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
Thomas Nelling	-	Chief of Police
Rich Jensen	-	Zoning Officer & Building Inspector
Kristin Camp	-	Township Solicitor
Quina Nelling	-	Secretary/Treasurer

Absent was Supervisor Al Bush.

Mr. Kirkpatrick moved to approve the May 3, 2010 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 \$14,863.27. Sewer Fund bills totaled \$4,190.27. Chairman Conklin 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. There was no public comment.

OUTSIDE EVENT REQUEST AT BULL DURHAM'S

Lisa Diskin Durham, owner of Bull Durham's Restaurant, was present to ask the Board's permission to hold an outside event at the restaurant on Saturday, June 5, 2010.

Condition #7 of the approved Conditional Use Order requires permission from the Board for any outside events. Lisa Durham requested the following activities for the Grand Opening Event:

Hours of Event - 11 am – 4 pm

Live Country Band Outside - 12 noon – 3 pm

Car Wash benefiting the Breast Cancer 3 day

Free Moon bounce for kids

A cowboy riding a horse around the shopping center (manure will be removed and the horse will be monitored for its well-being)

Radio station appearances and giveaways

Free brisket and pulled pork sandwiches

Large Balloon in the air above the building

Banner on Rt. 202 frontage for one week prior to the event

Chairman Conklin said that violations of the noise ordinance shouldn't be an issue since the event was being held during the day. He asked about access for emergency vehicles? Mrs. Durham said that the parking lot will be roped off during the event and that parking will be in the remainder of the shopping center. Chairman Conklin asked for assurance that the work rules would be in effect for the well-being of the horse.

Chairman Conklin moved to approve the Grand Opening Event for Bull Durham's for Saturday, June 5th as presented by Lisa Diskin Durham. Mr. Kirkpatrick seconded the motion and it was carried.

BOOR SUBDIVISION EXTENSION REQUEST

The Township is in receipt of a letter dated May 12, 2010 from James Fritsch, Engineer with Register Associates, requesting an extension in the time limit until June 30, 2010 for the Barbara Boor Final Minor Subdivision Plan. The extension is necessary because there wasn't a quorum of members at the May Planning Commission meeting. Chairman Conklin moved to approve the extension request for the Barbara Boor Subdivision until June 30, 2010. Mr. Kirkpatrick 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. Two estimates obtained have the job costing more than \$10,000. which will require public bidding. Rich Jensen and Kristin Camp have worked together to prepare bid documents for the project. Mr. Jensen asked for a pre-bid meeting which the Board and Solicitor Camp felt should be mandatory. Mr. Jensen proposed an add-alternate to the bid since the condition of the insulation and water proofing can't be determined until excavation has occurred. A cost per square foot can be used on the alternate.

Chairman Conklin moved to authorize advertising for bids for the correction of the foundation drainage problem at the Township Building with a mandatory pre-bid meeting on Wednesday, May 26th @ 9:30 am with bids to be received until 3 pm on Monday, June 7th and opened at 7:30 pm at the regular township meeting. Mr. Kirkpatrick seconded the motion and it was carried.

OTHER BUSINESS

Mrs. Nelling announced that due to the conflict with the Primary Election the May HARB meeting will be held on Wednesday, May 26th @ 7 pm.

The meeting was adjourned at 7:54 pm. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer