

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
JUNE 7, 2010**

The regular meeting of the Board of Supervisors was called to order at 7:32 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
Richard Jensen	-	Zoning Officer & Building Inspector
Quina Nelling	-	Secretary/Treasurer

Chairman Conklin moved to approve the May 17, 2010 minutes as written. Mr. Kirkpatrick seconded the motion and it was carried. Mr. Bush abstained from voting as he was not in attendance at the meeting.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$50,511.36. Sewer Fund bills totaled \$11,482.29. 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.

Kristin Ramsdell, 1112 Daniel Davis Lane, read a letter to the Board regarding safety concerns for residents, children, pets and deer with the electric fence that was being installed on the Borer property, 1175 Birmingham Road. The letter was not presented to the Board for attachment to the minutes. Mr. Benfer, 1111 Daniel Davis Lane, concurred with the statements made by Ms. Ramsdell. The Borers recently sent an e-mail to many of the residents on Daniel Davis Lane advising them of the fence installation. The Borers had originally applied to the Township for a seven foot high deer fence to be installed around the perimeter of their property, but the application was denied by the Supervisors. The Borers subsequently applied for a four foot high electric wire fence composed of three strands of electric cables to be attached to wood posts.

Chairman Conklin acknowledged that the Board only has authority to act on the visual impact of the application as associated with the HARB review. A safety issue would be a separate issue and they couldn't deny the application based upon speculation of a safety concern and there are many similar fences installed in the Township and the County.

Mr. Kirkpatrick noted that the issue of diverting the deer to the neighboring properties was a concern of the Supervisors but not of the Borers. Also, the Borers wanted the

electric fence installed on the outside of the post and rail and the Board had them change it to the inside of the fence. He said that the property owner has the right to do what they want on their property but noted that the Board tried to represent the interest of the neighboring residents during the presentation.

Mr. Bush added that if the fence was in another area of the Township it would not even come to the Board for approval. He also said that the Board felt that the electric fence was more appropriate than a seven foot high mesh deer fence. What he didn't understand is why the Borers just didn't fence in the area of their specimen plants with deer fence rather than trying to fence the entire property.

The Supervisors noted that they had many of the same concerns as expressed by Ms. Ramsdell but there was no legal reason for the application to be denied although they would have preferred to have seen the property remain as it is.

BIDS FOR TOWNSHIP BUILDING GRADING/DRAINAGE PROJECT

It was duly advertised in the Daily Local News on May 21st and 24th that the Township would be accepting bids to repair and restore foundation footing drains, roof leader drains and associated work. Five contractors attended the mandatory pre-bid meeting. Two bids were received.

Botella Const. & Exc., Glen Mills, PA - \$23,100.00 plus \$2,500.00 for alternate #1
Page Excavating Company - \$16,857.00 plus \$1,520.00 for alternate #1

Mr. Jensen said that both contractors are reputable and capable of doing the work.

Chairman Conklin moved to award the bid for the correction of the foundation drainage problem at the Birmingham Township Building to Page Excavating, Inc. for a bid price of \$16,857.00 and the alternate bid of \$1,520.00 for the unknown damage to the existing wall and drainage membrane upon review by Mr. Jensen for accuracy. Mr. Kirkpatrick seconded the motion and it was carried.

CJ'S TIRE CONDITIONAL USE DECISION

A hearing to consider a conditional use modification application from CJ's Tire and Automotive Services was held on May 17th. 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. A draft decision with 33 conditions was prepared by Solicitor Camp for consideration by the Board. Chairman Conklin moved to approve the Decision and Order for CJ's Tire and Automotive Services as prepared by Solicitor Camp. Mr. Kirkpatrick seconded the motion and it was carried. Mr. Bush abstained from voting as he was not present for the May 17th hearing.

HARB REPORT

HARB had a special advertised meeting on May 26th which took the place of their regularly scheduled third Tuesday of each month meeting which was cancelled due to the building being used for the primary election. Two applications were considered.

HARB recommended that a Certificate of Appropriateness be issued to Elizabeth Trostle, 500 Dilworth Farm Lane, to replace and enlarge the deck at the rear of the house. The material for the decking will be Timber Tech XLM, desert bronze. The railing will be Knotty Cedar with black balusters around the entire deck. Chairman Conklin moved to approve the Certificate of Appropriateness for the deck replacement at 500 Dilworth Farm Lane as recommended by HARB. Mr. Kirkpatrick seconded the motion and it was carried.

HARB recommended that a Certificate of Appropriateness be issued to Vito Jacono, 1386 Birmingham Road, to paint the front door and shutters on their house with a Cottage Red Benjamin Moore paint. Mr. Kirkpatrick moved to approve the Certificate of Appropriateness for the paint changes for 1386 Birmingham Road as recommended by HARB. Chairman Conklin seconded the motion and it was carried.

POLICE REPORT

Chief Nelling reported for the month of May 2010. There were 1,107 incidents during the month with one incident open, which is a pending arrest for a residential burglary. Chief Nelling noted that the stolen property was recovered within eight hours of the theft by Officer Urbany. This was the third residential burglary this year. There were 10,556 miles logged on the police vehicles during the month. Chairman Conklin acknowledged a donation of \$200.00 to the police department by Paige King and Cynthia Minsk, 1102 General Sullivan Drive, in appreciation of the care given when their mother fell at their house.

1380 WILMINGTON PIKE EASEMENT AGREEMENT FOR GRINGER PUMP AND FORCE MAIN

Chairman Conklin moved to enter into an easement agreement prepared by Solicitor Camp with BEC Partners LP, owner of 1380 Wilmington Pike, for the dedication of the grinder pump and force main and for the assignment of the easement rights in the thirty foot right of way to the Township for the maintenance of the system. Mr. Kirkpatrick seconded the motion and it was carried.

AUTHORIZE ADVERTISING FIRM TO PREPARE 2010 AUDIT

Chairman Conklin moved to authorize advertising to consider a resolution at its July 19th meeting to appoint the certified public accounting firm of Umbreit, Korengel & Associates, P.C. to make an examination of all Township accounts for the fiscal year 2010. The fee for the appointed accountant will be \$3,100.00. Mrs. Nelling noted that this was a \$150.00 increase over the 2009 fee and that there was also a \$150.00 increase in 2009. Mrs. Nelling believes these have been incremental increases to get the price to a more competitive rate as this is still lower than the bid prices originally received years

ago. Mr. Bush seconded the motion and it was carried.

LLOYD ROACH AS EMC FOR PENNSBURY TOWNSHIP

Pennsbury Township has had difficulties finding an individual to serve in the position of Emergency Management Coordinator and contacted Birmingham Township about sharing the services of Lloyd Roach, EMC for Birmingham. There was concern by the Board that Mr. Roach could be stretching himself too thin if he became EMC for numerous townships as Pocopson Township had also expressed interest in the services of Mr. Roach. However, the Board did not feel that there was a good enough reason not to let Pennsbury Township consider Mr. Roach for their EMC. Chairman Conklin moved to adopt Resolution #100607 to have Pennsbury Township consider Lloyd Roach as its EMC. Mr. Bush seconded the motion and it was carried.

The meeting was adjourned at 8:19 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer