

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
OCTOBER 4, 2010**

RECYCLING ORDINANCE HEARING

A hearing to consider an ordinance to mandate residential and commercial recycling was called to order at 7:17 PM in the Township Building by Chairman Conklin. 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
Lloyd Roach	-	Emergency Management Coordinator and Historic Commission Member
Dave Rathbun	-	Roadmaster
Debbie Hineman	-	Planning Commission Member
Rich Jensen	-	Building Inspector and Zoning Officer
Quina Nelling	-	Secretary/Treasurer
Kristin Camp	-	Township Solicitor

Solicitor Camp presented the following exhibits.

- B-1 - Proof of publication in the Daily Local News on September 23, 2010
- B-2 - Correspondence dated September 24, 2010 from Kristin S. Camp, Esq. to the Chester County Law Library providing proposed amendment for public inspection.
- B-3 - Correspondence dated September 24, 2010 from Kristin S. Camp, Esq. to the Daily Local News providing proposed amendment for public inspection.

The purpose of the ordinance is to amend Chapter 97 of the Code to adopt the Chester County Municipal Waste Management Plan dated August 2009 and to require mandatory recycling of certain recyclable materials. The ordinance is designating glass containers, bimetallic cans, aluminum cans, high-grade office paper, newspapers, corrugated material and plastics #1 and #2 as recyclable materials.

Chairman Conklin explained that recycling is currently voluntary. DEP provides grant funds to the municipalities for its recycling efforts. Those funds have been minimal in the past. The past several years have resulted in increased recycling efforts from the residents. This has resulted in grant funds for recyclables exceeding \$10,000. which automatically takes the Township to a mandatory level of recycling in order to receive these grant funds. The recycling grant this year is expected to be around \$18,000. but the Township is not eligible for these funds without mandating recycling. With some reluctance Chairman Conklin said that the Board will be voting on another ordinance to enforce.

Chairman Conklin moved to adopt Ordinance 10-04 to require mandatory recycling for residents and businesses within the Township. Mr. Kirkpatrick seconded the motion and it was unanimously approved.

REGULAR MEETING

The regular meeting of the Board of Supervisors was called to order at 7:31 PM by Chairman Conklin with the pledge of allegiance and a moment of silence. A quorum of Supervisors was declared. Township officials in attendance for the ordinance hearing were present for the regular meeting.

Chairman Conklin moved to approve the September 20, 2010 minutes with the following correction. The fifth paragraph on the second page should read, "Chairman Conklin responded that the Supervisors have not received a request from RPOS to extend the trail along Meetinghouse Road." Mr. Kirkpatrick seconded the motion and it was unanimously carried.

Mr. Bush moved to approve the bills submitted for payment. General Fund bills totaled \$67,322.46. Sewer Fund bills totaled \$13,259.35. Mr. Kirkpatrick seconded the motion and it was unanimously carried.

PUBLIC COMMENT

The Commonwealth of Pennsylvania Sunshine Law Act 93 (as amended in 1998) requires public comment to be held before official action is taken. There was no public comment.

REFORESTATION PROJECT

Sheila Fleming, Senior Planner for Conservation Design with the Brandywine Conservancy, was present with Sandra Guggenberger, President of the HOA Board at the Knolls of Birmingham, to inform the Board of a reforestation project which is being funded by a Growing Greener Plus grant. The grant will cover reforestation of a few acres of upland areas that are currently in a turf grass condition and are adjacent to the headwaters of Radley Run. Three planting dates are scheduled. The first will be on October 23rd from 9 AM – 12 PM. Thirty volunteers will be planting over 300 saplings. All native species will be used. Two goals will be accomplished: beautifying the Knolls of Birmingham development and reforesting along the Radley Run creek.

BARGAIN CAR, TRUCK AND VAN RENTALS

The Township is in receipt of a conditional use application from Bargain Car, Truck and Van Rentals. The purpose of the application is for the daily rental of vehicles at 1325 Wilmington Pike. Parking is being requested for 25 vehicles and 2 employees. Chris Panarello, owner of the property, was present with a plan which identifies the buildings on the property and all of the parking spaces. Mr. Panarello discussed the various tenants and the allocation of parking spaces for the uses on the property. Enterprise Rent-A-Car; Century 21 and Brandywine Fuel Company are currently located on the property. On April 30, 2001 the Board of Supervisors had granted conditional use approval for

Stillman Volvo to utilize the property for the detailing and storage of vehicles. Mr. Panarello said that Stillman Volvo was not using the property on a regular basis and that Bargain Car, Truck and Van Rentals would be assuming the parking spaces not being used by Stillman's. The Board had asked for the plan in anticipation of the proposed use of the property by Bargain Car, Truck and Van Rentals. Bargain Car, Truck and Van Rentals had decided to go ahead and submit a conditional use application pending a decision by the Board as to whether conditional use approval would be needed. The plan was not as specific as the Board would like to see. Mr. Kirkpatrick proposed that Mr. Panarello meet with the Zoning Officer prior to the next Township meeting for the review and documentation of the tenants on the property with the maximum parking required being delineated for each tenant. The Board will determine at the next meeting if a conditional use hearing for Bargain Car, Truck and Van Rentals will be necessary. Mr. Panarello was advised by Chairman Conklin that he would be responsible to cover the cost of the building inspector's time for their meeting.

HARB REPORT

1323 CREST DRIVE/PONTICELLO/DECK

HARB met on September 21, 2010 to consider an application from John Ponticello, 1011 Cedar Mill Lane, Hamilton Place, to replace the deck and railings at the rear of the house. The material to be used will be Timbertech PVC. Mr. Ponticello was present with a material sample for the deck which is very similar in appearance to wood.

Mr. Kirkpatrick moved to approve the Certificate of Appropriateness for Mr. Ponticello for the deck and railings at 1011 Cedar Mill Lane, as recommended by HARB. Mr. Bush seconded the motion and it was unanimously carried.

EMERGENCY OPERATIONS PROTOCOL

As part of the NIMS protocol, Mr. Roach had asked the Board for the chain of command for the Township for the establishment of an emergency operations center, presuming that all three supervisors are incapacitated. Other townships will normally choose the chairman of the ZHB or the PC. Mr. Roach requested that three positions be identified and not individuals. The Board said that they would need more time to consider the request.

ROAD REPORT

Mr. Rathbun presented the third quarter road report to the Board. The issue of immediate concern is damage done to Meetinghouse Road and General Weedon Drive from the nine inches of torrential rains that deluged the Township last Thursday and Friday. Stones were dislodged from the shoulder work done along Meetinghouse Road in an earlier storm and the situation was exacerbated from this recent storm. More dislodged stones are on the road near the intersection of Creek Road. The Township Engineer, Jim Hatfield, received a quote from Charlestown Paving of \$5,400. to repair 460' with 4" stones that would be 2" x 4" in diameter with a binder at a cost of \$2,200. The cost seems excessive to Mr. Hatfield. Charlestown Paving is more of a paving company and the quantities may have to be refined. Mr. Hatfield is going to ask Land Art for a quote for this project. Mr. Hatfield has indicated that Charlestown Paving is not responsible for

the work done at the site earlier this summer. They had done the work according to the specs in the bid document. The binder hadn't set with the hot weather and the deluge of rain just blew out the stones.

Debbie Hineman said that the Township had the road repaired and the Township residents shouldn't bear the cost of the rework. The stones were washed out on two different storms. The repair design appears to be unsuitable for the location.

Mr. Roach concurred. He said that the Township has patched the area for the past four or five years and the patching continues to fail. The patching may work on flat ground but not on a hill.

Mr. Rathbun said that the repair is being redesigned with heavier stones and a tack coat. There is no place for the water to go along Meetinghouse Road so it runs along the edge of the road. Mr. Rathbun added that Meetinghouse Road is slated to be repaved in 2014 or 2016.

Mr. Rathbun said that another problem from the storm was damage on General Weedon Drive.

1. A tree fell and is resting on a split rail fence.
2. Debris and mud is on the road (the cleaning may be handled locally with a backhoe from Chief Nelling).
3. Water washed out the edge of the road and there are deep ruts on the guard rail side of the road.

Both jobs may be done together but that would probably require following the bidding procedure.

Mr. Kirkpatrick volunteered to meet with Mr. Hatfield and Mr. Rathbun to review the repairs to these two locations.

Mr. Rathbun said that Chief Nelling and Brian from Land Art will be renting a chipper for about \$150. and clearing the road signs that are covered by tree branches and overgrowth.

The 2011 road program will include no repaving. A budget figure of \$25,000. is being requested for infrastructure repairs. Liquid fuels funds for 2011 are anticipated at \$106,985.

The fall road inspection is scheduled for October 21st. All Supervisors are planning to attend.

SEWER MANHOLE REHABILITATION PROJECT

URS has solicited proposals from contractors to repair and coat existing manholes in the sewer system behind the car dealerships on the west side of Rt. 202. The Township Solicitor determined that this is a maintenance task on a utility system and as such does

not require public bidding. Three proposals were received.

Abel Recon, LLC	\$24,570.
Tri-State Grouting, LLC	\$15,050.
Video Pipe Services, Inc.	\$14,270.

This quote is for the repair of seven manholes. To repair all ten manholes would be an additional cost of \$6,830. The manholes will all need modest maintenance at some point. Mr. Kirkpatrick encouraged the Board to repair all ten manholes and recommended approval of up to \$23,000. for the repair of the ten manholes on the sewer system. Mr. Bush seconded the motion and it was unanimously approved.

The meeting was adjourned at 8:35 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer