

**BIRMINGHAM TOWNSHIP, CHESTER COUNTY
BOARD OF SUPERVISORS MINUTES
DECEMBER 20, 2010**

LEONHARD MEDIATION HEARING

The Supervisors held a mediation hearing at 6:30 PM to consider the zoning application filed by the Leonhards, 700 Brinton's Bridge Road, who are appealing the zoning enforcement notice and denial of a building permit for a 5100 square foot pole barn for a landscaping and hardscaping business. The lawyers will work on a possible proposal for consideration by both parties following the input provided at the hearing. If a decision can be reached it will be voted on at a future meeting. If not, the applicant will proceed with their application to the Zoning Hearing Board.

REGULAR MEETING

The regular meeting of the Board of Supervisors was called to order at 7:39 PM in the Township Building by Chairman Conklin with the pledge of allegiance and a moment of silence. A quorum of Supervisors was declared.

John Conklin	-	Chairman, Board of Supervisors
William Kirkpatrick	-	Vice-Chairman, Board of Supervisors
Al Bush	-	Member, Board of Supervisors

On the fifth page of the December 6, 2010 minutes, second paragraph under the police report, Chairman Conklin added "offices" after "police department" and Mr. Kirkpatrick added "water" before "leaks". Chairman Conklin moved to approve the December 6, 2010 minutes as amended. Mr. Kirkpatrick seconded the motion and it was unanimously approved.

Mr. Kirkpatrick questioned the reasoning for listing all township officials and committee members as attending the meetings as sometimes the members attend and speak but are not representing the committee but are present on an issue as a resident. This was the case at the December 6th meeting as Debbie Hineman, Planning Commission member, attended the meeting and was listed as a member of the Planning Commission but she spoke as a resident of Meetinghouse Road and she was not representing the Planning Commission. Mrs. Nelling said that she has always listed any township officials that attend the meeting at the beginning of the minutes. She does not know in what capacity that the committee members are attending and it could be as a committee person, a resident, or both, but it is discretionary and a judgment call so they are listed. Also, if they are listed, when other committee members read the minutes they are aware that someone from their group attended if any questions arise at a committee meeting. The Supervisors decided to just have the names of the Board members listed at the beginning of the minutes as attending the meeting and that any committee members, speaking on behalf of their committee, would be recognized in the minutes when and if they spoke.

Mr. Bush moved to approve the bills submitted for payment. Chairman Conklin seconded the motion and the bills were unanimously approved. General Fund bills

totaled \$8,609.97. Sewer Fund bills totaled \$4,055.60.

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.

BRANDYWINE VALLEY SCENIC BYWAY COMMISSION

For the past six years the Brandywine Valley Scenic Byways Commission (BVSB) has been working on a Corridor Management Plan project to develop a plan to preserve and enhance the landscape. Funding for the plan has come from grants. Chairman Conklin said that the contract that the Township has with the BVSB evergreens annually. He feels that the BVSB is overly concerned with a plan that will just be put on a bookshelf. The Township has contributed time, energy, and resources for many years with no signs of a plan. He is concerned that volunteers are spending their time on the BVSB that could be better used on other committees. There are a lot of requests for Township volunteers and a lot of overlapping already by the volunteers on various committees.

Jay Monteith and Mary Pat McCarthy represent Birmingham on the BVSB. Mr. Monteith said that the BVSB spent a great deal of time in the past to move past a sour contract. BVSB has money in reserve to finish the Corridor Management Plan. The group is poised to move forward and he would like to see the Township stay with the BVSB until the conclusion of the plan. He said that there is a small cost to participate. He is willing to continue to represent Birmingham on the BVSB and he feels that the Township is better represented by staying in the process than by opting out.

Mary Pat McCarthy expressed her disappointment that she committed 45 hours of her time over the last year to the BVSB and that no one asked for her input on staying with the BVSB or let her know that it was going to be discussed at tonight's meeting. She is very passionate about what the Corridor Management Plan can do for the region.

Chairman Conklin said that the Recreation, Park and Open Space (RPOS) and Planning Commission (PC) Committees had taken votes on participation and that there was no enthusiasm for participation on BVSB. Mr. Bush had talked to the PC Chairman, Nick DiMarino, who had indicated that there wasn't a lot of interest in the BVSB from the PC.

Debbie Hineman, PC Member, said that an informal tally was taken at a meeting in which Mary Pat was absent. No official vote was taken.

Michael Langer, RPOS Chairman, said that the RPOS Committee didn't have a quorum and an official vote wasn't taken. Jay Monteith was an RPOS member that was also on the BVSB. Mr. Monteith resigned from RPOS but RPOS doesn't have a problem with his continuing on in representing the Township as the RPOS is short staffed.

Bruce Yelton, BVSB Member from Pocopson Township, said that he will be Chairman of the BVSB next year. The progress has been slow but the BVSB is ready to complete

the Corridor Management Plan this year. As Chairman he will ensure that it speeds forward. He urged the Township to continue participation with the BVSBS.

Alma Forsyth, BVSBS Member from Pennsbury Township, said that six Chester County Municipalities established the BVSBS as a steering committee to write a Corridor Management Plan for the scenic byways. The plan will reflect the ordinances of Birmingham Township. She encouraged the Township's participation in order to be represented in the activities of the plan.

After discussion, the Supervisors decided to have the PC and RPOS vote on participation in the BVSBS at their January meetings before taking action.

ARDEN FORGE/301 BRINTON LLC

The sewage planning modules for the Arden Forge have been reviewed by the Township Planning Commission; the Chester County Planning Commission and the Chester County Health Department. The modules have been completed and forwarded to the Township Sewer Engineer, URS, for review and approval. One review page was missing from the Chester County Health Department in the modules package. This has been added. Chairman Conklin moved to adopt and submit to the Department of Environmental Protection for its approval as a revision to the Official Sewage Facilities Plan of the Township the Sewage Facilities Planning Module for the Arden Forge as proposed by 301 Brinton LLC with the property to be assigned two EDU's. Mr. Kirkpatrick seconded the motion and it was unanimously approved.

Chairman Conklin stated that the Township Office, the Township Engineer, and the Township Sewer Engineer have all tried to help to move this application forward but that the consultant for Arden Forge has not taken the appropriate steps to complete this project in a timely fashion.

325TH ANNIVERSARY CELEBRATION

Greg Kurey, RPOS member, along with Michael Langer, RPOS Chairman, did a slide presentation for the upcoming 325th anniversary celebration for the Township. They presented the Board with some ideas for the celebration and asked for feedback on the ideas so they can proceed with the work on the celebration. The date for the anniversary will be August 27th with a rain date of September 24th, with the time to be from 1 – 4. The biggest issues discussed were the road closure of Birmingham Road; location of the event from Birmingham Hill to Sandy Hollow; parking; sponsorships; and activities. Much of the work will be delegated and volunteers are on board with more envisioned. Lloyd Roach, Emergency Management Coordinator, said that the Township already has a template for a planned event which identifies all the issues that need to be addressed in blank diagrams. He volunteered to plug in some of the information for planning the event. Mr. Kurey will report to the Board on a monthly basis as to the status of the event planning. The Board decided that the event would be open to the public and not just to the residents of the township.

ANNOUNCEMENTS

Mrs. Nelling announced that the 2011 organizational meeting will be held at 12 noon on Monday, January 3, 2011.

The meeting was adjourned at 8:43 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer