

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
APRIL 4, 2011**

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.

John Conklin - Chairman
William Kirkpatrick - Vice-Chairman

Absent was Supervisor Al Bush.

Chairman Conklin moved to approve the March 21, 2011 minutes as written. Mr. Kirkpatrick seconded the motion and it was carried.

Mr. Kirkpatrick moved to approve the bills submitted for payment. General Fund bills totaled \$15,273.68. Sewer Fund bills totaled \$14,067.36. Chairman Conklin seconded the motion and it was 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.

ACCEPTANCE OF RIGHTS OF WAYS ON MEETINGHOUSE ROAD

Chairman Conklin stated that the Township has approved various subdivision plans for properties along the northern side of Meetinghouse Road wherein the developer/property owners offered to dedicate additional rights of ways to the Township such that the ultimate right of way for Meetinghouse Road would be 25 feet from the center line of the road. The Board approved the subdivision plans with the intention of accepting these additional rights of ways. The Board has never taken official action to accept the offer of dedication to preserve the rights offered on the plans. The offers of additional rights of ways which were contained on the subdivisions for Renwick Farms; Dallett Hemphill and Dianne Diskin are before the Board for acceptance.

Chairman Conklin noted that in the absence of Supervisor Bush he would convey some comments from him on the subject. The rights of ways were accepted in developments, such as Fieldpoint, that were approved around the same time as the ones on Meetinghouse Road. This situation is similar to the recording error on the Spring Meadows Subdivision. The Board wasn't looking for the mistake. It was just stumbled upon when the Solicitor was asked to look at the titles of the open space after the Spring Meadow situation. The Supervisors do not know why these rights of ways were not accepted during the land development process.

Debbie Hineman, Meetinghouse Road resident, asked if the property owners where the

rights of ways are located are being notified of the acceptance by the Township? Chairman Conklin replied that there is no new notice to the residents by the Township. Mr. Kirkpatrick added that notice would have been provided during the land development process. This is simply an offer of acceptance from the land development process that was never acted upon by the Supervisors. Mrs. Hineman confirmed that the Ennis property was being included for acceptance, which was the farm property of the Renwick Farm development.

Richard Schwartzman asked about the timing on the original approvals for the land development plans on Meetinghouse Road. The Renwick Farms Subdivision was 1995; Hemphill Subdivision was 1996; and the Diskin Subdivision was 2004.

Doug Marshall, Meetinghouse Road resident, asked if there was a laundry list of items such as these rights of ways, that are being addressed by the Board and, if so, he asked for the list. Mr. Kirkpatrick replied that there is no laundry list. The other issues revealed on the review of the dedication of open space by the Township Solicitor were issues for homeowners associations and not for the Township.

Chairman Conklin moved to adopt Resolution #110404A to accept the additional rights of ways along Meetinghouse Road from the Renwick Farms Subdivision Plan; the Dallett Hemphill Subdivision Plan and the Dianne Diskin Subdivision Plan, which were historically presented to the Township. Mr. Kirkpatrick seconded the motion and it was carried.

ROAD REPORT

Dave Rathbun, Roadmaster, reported for the first quarter. There were four resident complaints, one of which has been addressed. The other three will be reviewed on the road inspection scheduled for Thursday, April 7th. Meetings have been held on the bridge replacement over the Brandywine which is scheduled for 2012. It is hopeful that the project will be returned to the original plan to include the elevated approaches, which have been eliminated in the revised plans. Sect./Treas. Nelling attended the CCATO Convention and was advised by PennDOT at the meeting that the widening of Rt. 202 has been removed from PennDOT's project list. There may be some work done at the intersections along the Corridor but nothing is in place at this time. Mr. Rathbun suggested that the snow removal budget be increased for 2012 as the expenditure for the last two years has been over \$100,000, with an \$80,000. budget each year.

The Township is in receipt of correspondence from the Chester County Planning Commission requesting input to update the Transportation Improvements Inventory. Five items are on the list. The County is requesting input from the Township on transportation improvement projects that should be on the list and if the projects on the list should remain active. Chairman Conklin felt this would be a good item for review by the Planning Commission at its next meeting. A response is requested by April 18th.

Lloyd Roach, EMC, asked about FEMA funding opportunities for flood abatement? Mrs. Nelling said that there is funding available if the Township updates its flood management

ordinances. Mr. Roach will research the matter.

POLICE REPORT

Chief Nelling reported for the month of March 2011. There were 1,408 incidents of which seven remain open. Incidents included 461 traffic stops; six thefts; eight auto accidents; and a burglary at a commercial building. Mr. Kirkpatrick noted that there was an incident of a taser deployment. Chief Nelling confirmed that it was to a resident of the Township. There were 8,349 patrol miles logged on the vehicles during the month.

GIRL SCOUT GOLD AWARD

The Township received correspondence from the Girl Scouts of Eastern Pennsylvania that Rachel M. Rittler of Fieldpoint Drive has completed the requirements for the Girl Scout Gold Award and that the award will be presented to her in June. Each girl in the region receiving an award will be given a folder containing congratulatory certificates. Chairman Conklin moved to adopt Resolution #110404B to recognize the Girl Scout Gold Award Achievement by Rachel M. Rittler of Fieldpoint. Mr. Kirkpatrick seconded the motion and it was carried.

The meeting was adjourned at 8:03 PM. (JLC)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer