

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
DECEMBER 19, 2011**

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.

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

Chairman Conklin moved to approve the minutes from the December 5, 2011 meeting as written. Mr. Kirkpatrick seconded the motion and the minutes were approved. Mr. Bush abstained from voting as he was not in attendance.

Mr. Kirkpatrick moved to approve the bills submitted for payment. Mr. Bush seconded the motion and the bills were unanimously approved. General Fund bills totaled \$24,460.11. Sewer Fund bills totaled \$10,375.58.

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.

P.J. WHELIHAN'S RESTAURANT PROPOSAL

Bob Platzer, owner of 14 P.J. Whelihan's restaurants, was before the Board to discuss opening a P.J. Whelihan's at the Dilworthtown Crossing Shopping Center on the pad site of the former Bull Durham's and Bennigan's restaurants. Mr. Platzer told the Board he had been in business for 29 years. The P.J. Whelihan's restaurants are family oriented neighborhood pubs that appeal to a varied age group, families and business clientele. P.J. Whelihan's is a business that gives back to the community by generously sponsoring community events.

Mr. Platzer was looking to take over the site as soon as possible "as is" with the conditions approved in the various conditional use orders and amendments. The hours established for Bennigan's through conditional use approval were 8 AM – 2 PM. Mr. Platzer would like to be able to adhere to those hours at this time rather than to adhere to the hours established for Bull Durham's. The Board had no problem with this. Solicitor Camp opined that Mr. Platzer could take over the site without coming to the Township for conditional use approval as long as the establishment was being operated within the conditions of the prior approvals.

Mr. Platzer added that the changes to the building would physically be very minimal. The metal overhanging roof would be removed. Mr. Platzer has converted several Bennigan's restaurants and this site is very similar to a conversion done in Washington Township, NJ.

Chairman Conklin understood that Mr. Platzer may be considering outside dining for the restaurant. Mr. Platzer responded that outside dining is very popular. Mr. Platzer was advised that outside dining would require a modification of the conditional use approval for the site.

Mr. Kirkpatrick asked about Mr. Platzer's intentions for live music? Mr. Platzer replied that the only music that might be at the site would be a three or four piece acoustical ensemble. Mr. Kirkpatrick also asked about signage? Mr. Platzer replied that the existing sign would be replaced with a P.J. Whelihan's sign. Mr. Kirkpatrick suggested that Mr. Platzer take the time to think through what he wants and is needed at the site before submitting a conditional use amendment application so that the issues can all be addressed at one time.

The grease trap and prior grease problems from the restaurant were brought to Mr. Platzer's attention. Jim Fris, Operations Manager for P.J. Whelihan's, said that he has inspected the grease trap which he believes is the right size for the restaurant. He strongly believes that the prior grease problems were operator issues. P.J. Whelihan's has incorporated a system in their other restaurants which is working well that incorporates tanks in the kitchen for oil collection for pick-up from the site.

Dave Rathbun, Knolls of Birmingham resident, said that he is aware that there are live broadcasts during sports events at the Downingtown site. He asked about the timing of the broadcast; the effect that the broadcast has on the crowd; and the space requirements for the van for the camera crew? Mr. Fris responded that CNN does a live broadcast two minutes before and two minutes after a sports event. It's a good marketing tool but it doesn't bring out extra people. The van for the camera crew takes up two parking spots. Mr. Kirkpatrick noted that the number of patrons in the facility would be controlled by the occupancy permit requirement.

Mr. Rathbun asked about the size of this pad site compared to the one in Downingtown? Mr. Fris said that the Downingtown site is 10,000 sq. ft. The normal size for a P.J. Whelihan's is 8,500. sq. ft. This pad site is 6,500 sq. ft. which is the same size as their Bethlehem restaurant.

Mr. Bush confirmed with Solicitor Camp that Mr. Platzer could proceed with the P.J. Whelihan's at the site without adhering to the Bull Durham's conditional use approval, which superseded the Bennigan's approval? Solicitor Camp opined that Mr. Platzer could proceed under the conditional use approval for Bennigan's as the approval for Bull Durham's contained special restrictions because of plans for live entertainment which is not the plan by Mr. Platzer. Mr. Platzer intends to operate the site similar to the Bennigan's operation. Mrs. Camp will outline the Bennigan's conditions in a letter to Mr. Platzer in order for him to proceed with the purchase and opening of P.J. Whelihan's restaurant.

RADLEY RUN COUNTRY CLUB TEMPORARY TRAILER

Joe Mendez, Manager of the Radley Run Country Club, was present to request an extension for the temporary permit for the trailer and lights at the hard surfaced tennis courts. Mike Culliney, President of the Club, said that RRCC has been in this project for fifteen months. The scope of the project was to replace/resurface four tennis courts for a cost of \$365,000. Because of all the FEMA and ordinance requirements, the scope of the project is now \$1,450,000. Plans were redesigned in order to address stormwater mitigation. This project has had a major impact on the operations of the RRCC. It is affecting membership numbers; a \$1,500. special assessment had to be billed to the members; and seven employees were recently laid off. Some costs are being reimbursed by their insurance carrier but this is an on-going issue with the adjusters. The Board was

sympathetic to the problems being faced by the RRCC. Chairman Conklin moved to approve the extension for the temporary trailer and lights through the end of 2012. Mr. Kirkpatrick seconded the motion and it was unanimously approved.

ROAD REPORT

Dave Rathbun, Roadmaster, provided a fourth quarter written road report to the Board. One complaint received was deemed not to be a Township issue. There were a total of twelve road complaints during the year. After the 2011 road program, several additional road issues were addressed by Page Excavating: repairs to the shoulders on both sides of Meetinghouse Road; repairs to an inlet on Independence Drive; erosion repair at an inlet on South New Street Road; and repair to a washout at a drain pipe behind the Township Building.

Liquid Fuel funds for 2012 were reduced from \$113,529. to \$111,514. based on 2010 census data.

The road inspections for 2012 are scheduled for Thursday, March 15th and Thursday, October 18th. Next roadmaster report will be April 2nd.

On November 23rd a meeting was held at the Township Building on the Rt. 926 bridge replacement project. In attendance were representatives from PennDOT; Pocopson Township; Chester County; Senator Pillegi's Office and Representative Barrar's Office. State Representative Chris Ross also attended. Alternate design plans are being developed based on municipal input. Design work is scheduled to be completed in 2012 with construction slated for 2014. The bridge replacement project will take two years to complete.

Mr. Bush mentioned that the storm drains on Brinton Run are clogged.

2012 FINAL BUDGET

The 2012 preliminary budget was duly advertised for public inspection in the Daily Local News on November 22nd. One resident inspected the budget. The millage rate for 2012 remains the same at 1.6 mills. The LST tax of \$52.00 remains in the budget. The sewer rent for the users of the sewer plant remains at \$125./edu.

Budgeted General Fund Revenues for 2012 are \$1,806,126., which includes a carry forward of \$575,190. Budgeted General Fund Expenditures are \$1,338,814.

Sect./Treas. Nelling said that no changes were made to the preliminary budget that was advertised for public inspection.

Chairman Conklin moved to adopt the 2012 final budget. Mr. Kirkpatrick seconded the motion and the budget was unanimously adopted.

EXECUTIVE SESSIONS

Chairman Conklin reported that the Supervisors held two executive sessions on Tuesday, December 6th. The first session was with the Pennsylvania Municipal Retirement System to discuss the transfer of the non-uniform pension plan from the Pennsylvania State Association of Township Officials. The second session was with representatives from American Water Company and MAB Environmental. MAB Environmental has purchased the operations portion of American Water Company. The Township transferred the rights of operation under the last three years of a six year contract for the sewer plant from American Water to MAB Environmental.

Mr. Kirkpatrick reported that he attended a three hour training session in Norristown on December 14th which was offered by DEP for operators and permittees of sewer plants. A big message at the meeting was the transition to computer generated reporting for the monthly DMR reports for the sewer plant.

The meeting was adjourned at 8:19 PM.

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register

BIRMINGHAM TOWNSHIP

19-Dec-11

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN GENERAL FUND				
15383	12/19/2011	80	AQUA PENNSYLVANIA	\$2,348.25
15384	12/19/2011	366	BUCKLEY,BRION,MCGUIRE ATTY	\$368.83
15385	12/19/2011	51	CHESTER COUNTY TREASURER	\$590.36
15386	12/19/2011	415	COLLEEN M. PIMER	\$278.00
15387	12/19/2011	70	CONCORD AUTO BODY, INC.	\$85.08
15388	12/19/2011	775	CONVENIENT CAR CARE CORPO	\$199.60
15389	12/19/2011	707	DAVID S RATHBUN	\$56.61
15390	12/19/2011	1001908	DEBRA GALLEK	\$308.75
15391	12/19/2011	2	FREEDOM SYSTEMS	\$1,222.38
15392	12/19/2011	46	GALLS INC.	\$629.93
15393	12/19/2011	289	GENERAL CODE PUBLISHERS C	\$1,195.00
15394	12/19/2011	780	GUMBALL MEDIA,LLC\LAND ART	\$285.00
15395	12/19/2011	422	HARRY TILLMAN AUTOMOTIVE L	\$767.58
15396	12/19/2011	517	INDEPENDENCE BLUE CROSS	\$3,470.30
15397	12/19/2011	304	LAWMEN SUPPLY CO. OF NJ INC	\$2,582.40
15398	12/19/2011	205	PARKWAY DRY CLEANERS, INC.	\$633.28
15399	12/19/2011	29	PECO ENERGY	\$688.05
15400	12/19/2011	30	PECO ENERGY (TRAFFIC LIGHT)	\$20.25
15401	12/19/2011	91	PSATS	\$125.00
15402	12/19/2011	7	QUINA NELLING	\$68.07
15403	12/19/2011	1001954	RADLEY RUN COUNTRY CLUB	\$528.00
15404	12/19/2011	554	RED THE UNIFORM TAILOR	\$3,154.38
15405	12/19/2011	171	REILLY & SONS INC.	\$761.60
15406	12/19/2011	171	REILLY & SONS INC.	\$710.87
15407	12/19/2011	507	ROTHWELL DOCUMENT SOLUTI	\$448.00
15408	12/19/2011	1001833	STAPLES BUSINESS ADVANTAG	\$1,034.59
15409	12/19/2011	115	THOMAS R. NELLING	\$119.18
15410	12/19/2011	23	VANDEMARK & LYNCH, INC.	\$1,142.17
15411	12/19/2011	61	VERIZON 610-793-2600-794	\$281.48
15412	12/19/2011	1001922	WESTERN PEST SERVICES	\$357.12
Bank Totals:				\$24,460.11

Check Register

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19-Dec-11

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN SEWER FUND				
8298	12/19/2011	602	APPLIED WATER MANAGEMENT,	\$3,465.00
8299	12/19/2011	2	FREEDOM SYSTEMS	\$762.37
8300	12/19/2011	906	PA DEP	\$100.00
8301	12/19/2011	798	PA ONE CALL SYSTEM,INC.	\$57.60
8302	12/19/2011	29	PECO ENERGY	\$3,521.32
8303	12/19/2011	1001887	RUPPERT LANDSCAPE	\$140.00
8304	12/19/2011	586	VERIZON 610-399-6923 315	\$102.17
8305	12/19/2011	1001922	WESTERN PEST SERVICES	\$357.12
8306	12/19/2011	1001834	WM P MCGOVERN INC	\$1,870.00
			Bank Totals:	\$10,375.58