

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISOR MINUTES  
JULY 11, 2016**

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Conklin with the pledge of allegiance. A quorum of Supervisors was declared.

John Conklin	-	Chairman, Board of Supervisors
Scott Boorse	-	Vice-Chairman, Board of Supervisors
Michael Shiring	-	Member, Board of Supervisors

Chairman Conklin moved to approve the June 6, 2016 minutes as written. Supervisor Shiring seconded the motion and the minutes were unanimously approved.

Vice-Chairman Boorse moved to approve the bills submitted for payment since the May 2<sup>nd</sup> meeting. General Fund bills totaled \$60,165.82. Sewer Fund bills totaled \$41,167.58. State Fund Check #181 was approved for payment to Innovative Construction Services for \$58,000.00 for the 2016 Road Program. Supervisor Shiring seconded the motion and the bills were unanimously approved.

**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. There was no public comment.

**FREDDY'S FROZEN CUSTARD PRELIMINARY LAND DEVELOPMENT PLAN**

At its meeting on June 14, 2016, the Birmingham Township Planning Commission recommended Preliminary Land Development Plan Approval for the Freddy's Frozen Custard Restaurant located at 1302 Wilmington Pike. The Plan, dated April 25, 2016, last revised June 27, 2016, was drawn by JMR Engineering and consists of seven sheets. The Plan proposes the development of a restaurant on a parcel with three pad sites; an existing bank and office building are located on the other two pads. The proposed development would consist of a 3,374 square foot restaurant with drive-through service.

The Planning Commission recommended approval of the Plan contingent on the following conditions:

1. Addressing all items in the review letters from the Township Engineers, Jim Hatfield with VanDemark & Lynch, Inc., and Sandi Morgan with AECOM.
2. Design and installation of a crosswalk to the Knolls of Birmingham development addressing safety issues and signage.
3. Review by the Planning Commission Solicitor, Fronefield Crawford, Jr., that there is no liability for the Township regarding the environmental remediation done on the property.

Present for the applicant were Mark Thompson, legal counsel, Matt Bush, Engineer and co-owner David Vitalli.

Much discussion ensued on the Planning Commission's recommendation for a crosswalk. The applicant was willing to improve their property at the corner of the site with the installation of an ADA ramp but they had safety and liability concerns with a crosswalk either mid-block at the location where the trail begins for the Knolls of Birmingham development or at the entrance to the development at Knolls Road. The applicant has not done a traffic study or detailed engineering on the feasibility of a possible crosswalk. They were looking for feedback from the Board on pursuing the crosswalk requirement. In response to Supervisor Boorse, the applicant has not reached out to the Knolls of Birmingham HOA on their desire for a crosswalk. Mr. Vitalli added that there also was not a consensus among the Planning Commission members on the installation of a crosswalk.

Chairman Conklin asked if the applicant expected walk up traffic to the site? Mr. Vitalli responded that there is walk up traffic to the Broomall Freddy's location, but this is a different community and this is more of a highway site.

Supervisor Shiring commented on the subdivision ordinance requirement, Section 103-29.A which reads in part: "Sidewalks and/or paths shall be provided, whenever appropriate, to help reduce conflicts between pedestrians and vehicle traffic or in areas of high potential pedestrian use, such as in the vicinity of multi-family residential developments, office developments, schools, and commercial or industrial centers....". In looking at the Plan, Supervisor Shiring asked if the installation of the crosswalk was viable from an engineering perspective? He also noted that the mid-block location seemed very near the Knolls Road entrance intersection if safety for the mid-block location was a concern.

Matt Bush said that there was no engineering detail for the crosswalk area. It would be necessary to review the width of the area to see if a sidewalk could fit on the lot and a detailed engineering analysis would be necessary for a mid-block crosswalk, including a speed study for site distance since it would not be a stop location for cars and adequate time would be needed for motorists to see pedestrians in the crosswalk area.

Dave Rathbun, Roadmaster, encouraged getting the opinion of the Knolls of Birmingham HOA. He did not feel they would be in favor of a crosswalk for safety reasons. Having the crosswalk would encourage pedestrian traffic, including at night when the restaurant would be open. He felt a crosswalk would give pedestrians a false sense of security. He did not feel a crosswalk would increase pedestrian traffic. Chief Thomas Nelling concurred with Mr. Rathbun that for safety reasons he would not be in favor of a crosswalk.

Vice-Chairman Boorse noted that a crosswalk was never required by the Township for any other approved uses on the site.

Supervisor Shiring suggested a letter from Traffic, Planning & Design on the pros and cons of the installation of a crosswalk.

Vice-Chairman Boorse wondered if there was a possibility of any further environmental liability on the property? Certain activities had been undertaken at the former gasoline station located on

the site relative to environmental remediation and the Board wanted assurance of a “clean bill of health” for the property.

Mr. Vitalli responded that the property falls below the DEP required state limit for toxic chemicals. Environmental covenant letters have been signed by the property owners and recorded against the property. Copies were requested for the Township.

Chairman Conklin moved to approve the Preliminary Land Development Plan for Freddy’s Frozen Custard contingent on the following conditions:

1. Addressing all outstanding issues in the review letters from the Township Engineers, Jim Hatfield of VanDemark & Lynch, Inc. and Sandi Morgan of AECOM.
2. Submission of a crosswalk analysis by Traffic, Planning & Design, Inc.
3. Assurance of no liability to the Township relative to environmental remediation.

Supervisor Shiring seconded the motion which was unanimously approved.

### **ROAD REPORT**

Dave Rathbun, Roadmaster, reported for the second quarter. The 2016 Road Program has been completed. This is the second time that Innovative Construction Services has been the low bidder and the work has been timely and satisfactory. The bid award was for \$220,577. The final contract cost was \$228,986. (3.8% over the contract). Additional road work done this summer included a drainage repair on Knolls Road; a shoulder repair on Heartsease Drive; and a drainage repair in the Knolls of Birmingham open space which totaled \$13,465. An additional \$6,500. is estimated for repairs at the intersection of Rt. 926 and Birmingham Road. This would result in road work costing \$248,951. for 2016 with a budget of \$230,511. (9.2% over budget).

Chairman Conklin stated that the additional work and overages to the budget were previously approved by the Board of Supervisors after review of the Township’s finances.

Vice-Chairman Boorse commented that the tar and chip work on Old Wilmington Pike has turned out smoother than anticipated. Mr. Rathbun noted that tar and chip will be proposed for Meetinghouse Road.

The Board thanked Mr. Rathbun for his continued diligence as Roadmaster for the Township.

### **HARB REPORT**

#### **HILLHOUSE/972 WES MOORE DRIVE/ROOF & WINDOW REPLACEMENT; STUCCO REMEDIATION/SECOND FLOOR ROOM EXPANSION**

HARB met on June 21<sup>st</sup> and recommended that a Certificate of Appropriateness be issued to Julie & Brent Hillhouse, 972 Wes Moore Drive, for a second floor room expansion; roof replacement; stucco remediation/replacement and window replacement. The color of the stucco will be Quaker Champagne; the new windows will be Andersen Windows with a trim color of Canvas; and the roof will be Timberline HD Barkwood color. HARB reviewed the application and determined that it is in compliance with the HARB Guidelines.

Mr. Hillhouse was present and stated that nothing would be visible from Birmingham Road. Chairman Conklin moved to approve the Certificate of Appropriateness for the Hillhouses as recommended by HARB. Supervisor Shiring seconded the motion and it was unanimously approved.

#### **HOLT/1360 BRINTON RUN DRIVE/ADDITION**

At its meeting on June 21<sup>st</sup>, HARB recommended that a Certificate of Appropriateness be issued to Theresa and Bob Holt, 1360 Brinton Run Drive, to bump out the kitchen; add a bedroom above an existing room; and replace the roof. The siding of the new addition is Certainteed Main Street siding and the color is Granite Gray. The roof will be Timberline HD and the color is Charcoal. HARB reviewed the application and determined that it was in compliance with the HARB guidelines.

Sect./Treas. Nelling noted that Mrs. Holt did not bring material samples to the HARB meeting as Mrs. Holt thought the colors had been approved on prior applications. However the roof color in the property file was weathered wood, not charcoal, but charcoal is a color used in the HARB district. The materials and colors were available for the Supervisors and they did not have a problem with the choices.

Chairman Conklin moved to approve a Certificate of Appropriateness for the Holts as recommended by HARB. Vice-Chairman Boorse seconded the motion which was unanimously approved.

#### **CLARK/1045 BIRMINGHAM ROAD/NEW WALL WITH STEPS**

At its meeting on June 21<sup>st</sup>, HARB recommended that a Certificate of Appropriateness be issued to Glenn and Dawne Clark, 1045 Birmingham Road, to install a new stone wall with steps between the barn and the garage. The wall and steps will be serpentine stone. HARB reviewed the application and determined that is in compliance with the HARB Guidelines.

Chairman Conklin moved to approve the Certificate of Appropriateness for the Clarks as recommended by HARB. Vice-Chairman Boorse seconded the motion which was unanimously approved.

#### **POLICE REPORT**

Chief Nelling reported for the month of June 2016. There were 1,269 incidents including 12 criminal arrests. There are 67 criminal arrests to date with only 29 for the same period last year. One big change is DUI's with 29 to date for 2016 and only five for the same period last year. Chairman Conklin moved to accept the police report. Vice-Chairman Boorse seconded the motion which was unanimously approved.

#### **RESOLUTION FOR CPA FOR 2016 AUDIT**

It was duly advertised in the Daily Local News on July 11<sup>th</sup> that the Supervisors would be considering a resolution to appoint the certified public accounting firm of BBD, LLP, which is a duly licensed and registered accounting firm in the Commonwealth of Pennsylvania, to make an examination of all Township accounts for the fiscal year 2016 and to prepare a report for the Board. The fee for the service is \$5,000. The fee is the same as for the 2015 audit.

Chairman Conklin moved to adopt Resolution #160711A to appoint BBD, LLP to perform the 2016 audit for \$5,000. Supervisor Shiring seconded the motion which was unanimously approved.

### **RESOLUTION FOR HAZARD MITIGATION PLAN**

In January FEMA approved the updated County-wide Hazard Mitigation Plan. Since the Plan has been finalized it needs to be re-adopted by the municipalities in order to have access to hazard mitigation funds in the future, such as the 2016 blizzard.

Supervisor Shiring moved to adopt Resolution #160711B adopting the multi-jurisdictional hazard mitigation plan of Chester County. Chairman Conklin seconded the motion which was unanimously approved.

### **EAST BRADFORD TOWNSHIP COMPREHENSIVE PLAN**

At its June 14<sup>th</sup> meeting, the Planning Commission reviewed the update to the East Bradford Township Comprehensive Plan. PC Member Nick DiMarino had reviewed the Plan in detail and summarized the highlights. The Planning Commission recommended that the Township compliment East Bradford Township on its Plan and noted that there were no issues with the Plan.

Chairman Conklin moved to forward a letter to East Bradford Township noting that the Planning Commission had reviewed the Plan, which was accepted by the Board of Supervisors. and that there were items in the Plan that the Board liked but they had no issues or comments on the East Bradford Township Comprehensive Plan Update. Supervisor Shiring seconded the motion which was unanimously approved.

### **ESTABLISH COMPENSATION FOR OFFICE ASSISTANT AND HARB SECRETARY**

Secretary/Treasurer Quina Nelling stated that Office Assistant Gail Ayers has retired from full-time employment but she will continue to work two days a week on a part-time basis. As she was salaried, an hourly rate needs to be established. Sect/Treas. Nelling said that converting her salary to an hourly rate would be \$23.25/hr. Chairman Conklin moved to establish the compensation for Gail Ayers as a part-time Office Assistant at \$23.25/hr. Vice-Chairman Boorse seconded the motion which was unanimously approved.

Sect./Treas. Nelling asked the Board to increase the rate paid to the HARB Secretary from \$75. for meeting attendance and preparation of minutes to \$100., which is the rate currently paid for the Planning Commission, Historical Commission, and Recreation, Park and Open Space Secretaries. One reason for the requested raise is the increase in work required to complete a report on each application pursuant to Section 61-5-C of the Township Code. Chairman Conklin moved to establish the rate for the HARB Secretary at \$100. for meeting attendance and minute preparation. Vice-Chairman Boorse seconded the motion which was unanimously approved.

### **OTHER BUSINESS**

Chairman Conklin asked for the Board's tentative approval to hold a Revolutionary War re-enactment event for the weekend of September 16<sup>th</sup> and 17<sup>th</sup> in 2017. The Event would be

similar in scope to the 2014 re-enactment event. The Board was generally supportive of going forward with another re-enactment event.

The meeting was adjourned at 8:26 PM. (JLC;SCB)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

**Check Register****BIRMINGHAM TOWNSHIP**

20-Jun-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
17971	6/20/2016	8	10-8 EMERGENCY VEHICLE SER	\$1,145.21
17972	6/20/2016	11	21ST CENTURY MEDIA - PHILLY	\$102.16
17973	6/20/2016	1001926	AJ BLOSENSKI, INC.	\$147.74
17974	6/20/2016	80	AQUA PENNSYLVANIA	\$2,348.25
17975	6/20/2016	5	BOROUGH OF WEST CHESTER,	\$18,252.50
17976	6/20/2016	4	CONCORDVILLE FIRE & PROTEC	\$17,795.00
17977	6/20/2016	1001933	CORELOGIC TAX SERVICES	\$3,065.12
17978	6/20/2016	1002129	DAVID & CATHERINE HOFFMAN	\$1,664.45
17979	6/20/2016	1001908	DEBRA GALLEK	\$213.75
17980	6/20/2016	1001911	DELAWARE CO COMM COLLEGE	\$90.00
17981	6/20/2016	114	FRONEFIELD CRAWFORD, JR. LL	\$720.00
17982	6/20/2016	1001768	GRAFIX SHOPPE	\$451.00
17983	6/20/2016	780	GUMBALL MEDIA,LLC\LAND ART	\$1,865.00
17984	6/20/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$107.50
17985	6/20/2016	517	INDEPENDENCE BLUE CROSS	\$5,169.89
17986	6/20/2016	29	PECO ENERGY	\$477.59
17987	6/20/2016	30	PECO ENERGY (TRAFFIC LIGHT)	\$69.60
17988	6/20/2016	554	RED THE UNIFORM TAILOR	\$444.68
17989	6/20/2016	171	REILLY & SONS INC.	\$1,211.98
17990	6/20/2016	26	SIGNAL SERVICE INC.	\$465.00
17991	6/20/2016	1001976	THE BENCH FACTORY	\$1,254.79
17992	6/20/2016	23	VANDEMARK & LYNCH, INC.	\$11,057.22
17993	6/20/2016	1002154	VERIZON 610-4291316 676	\$48.80
17994	6/20/2016	61	VERIZON 610-793-2600-794	\$325.03
17995	6/20/2016	832	WEST CHESTER PUBLIC LIBRAR	\$1,500.00
<b>Bank Totals:</b>				<b>\$69,992.26</b>
<b>Total Of Checks:</b>				<b>\$69,992.26</b>

# Check Register

BIRMINGHAM TOWNSHIP

20-Jun-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN SEWER FUND</b>				
8978	6/20/2016	483	BIRMINGHAM TOWNSHIP,GENE	\$358.90
8979	6/20/2016	585	EMERGENCY SYSTEMS SERVIC	\$5,013.90
8980	6/20/2016	381	FEDEX	\$31.52
8981	6/20/2016	780	GUMBALL MEDIA,LLC\LAND ART	\$1,035.00
8982	6/20/2016	1001963	M & B ENVIRONMENTAL INC	\$4,358.35
8983	6/20/2016	798	PA ONE CALL SYSTEM,INC.	\$33.62
8984	6/20/2016	29	PECO ENERGY	\$3,127.18
8985	6/20/2016	586	VERIZON 610-399-6923 315	\$88.19
8986	6/20/2016	1001834	WM P MCGOVERN INC	\$1,819.00
<b>Bank Totals:</b>				<b>\$15,865.66</b>
<b>Total Of Checks:</b>				<b>\$15,865.66</b>



# Check Register

BIRMINGHAM TOWNSHIP

06-Jul-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
17996	7/6/2016	1001988	THE STANDARD INSURANCE CO	\$526.94
17997	7/6/2016	1001913	VERIZON WIRELESS	\$498.63
<b>Bank Totals:</b>				<b>\$1,025.57</b>
<b>Total Of Checks:</b>				<b>\$1,025.57</b>

**Check Register**

BIRMINGHAM TOWNSHIP

10-Jul-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN SEWER FUND</b>				
8987	7/11/2016	149	AECOM	\$155.93
8988	7/11/2016	80	AQUA PENNSYLVANIA	\$1,465.30
8989	7/11/2016	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,120.00
8990	7/11/2016	1001859	COYNE CHEMICAL	\$1,888.00
8991	7/11/2016	1001970	EAST BRADFORD TOWNSHIP	\$3,881.13
8992	7/11/2016	1001963	M & B ENVIRONMENTAL INC	\$5,409.18
8993	7/11/2016	1001755	MAJIC LANDSCAPES	\$460.00
8994	7/11/2016	29	PECO ENERGY	\$3,160.10
8995	7/11/2016	574	WASTE MANAGEMENT OF SOUT	\$49.23
8996	7/11/2016	734	XYLEM WATER SOLUTIONS	\$6,366.92
8997	7/11/2016	1001834	WM P MCGOVERN INC	\$1,938.00
<b>Bank Totals:</b>				<b>\$25,893.79</b>
<b>Total Of Checks:</b>				<b>\$25,893.79</b>

**Check Register****BIRMINGHAM TOWNSHIP**

10-Jul-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
17998	7/11/2016	80	AQUA PENNSYLVANIA	\$2,416.25
17999	7/11/2016	884	ARAMARK	\$96.36
18000	7/11/2016	366	BUCKLEY,BRION,MCGUIRE ATTY	\$718.50
18001	7/11/2016	873	CARDMEMBER SERVICE	\$575.45
18002	7/11/2016	617	CHESTER WATER AUTHORITY	\$653.40
18003	7/11/2016	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
18004	7/11/2016	1001902	COMCAST CABLE	\$104.85
18005	7/11/2016	775	CONVENIENT CAR CARE CORPO	\$849.30
18006	7/11/2016	707	DAVID S RATHBUN	\$45.90
18007	7/11/2016	882	DCED	\$212.00
18008	7/11/2016	1001908	DEBRA GALLEK	\$190.00
18009	7/11/2016	1002133	ECONO SIGNS	\$167.99
18010	7/11/2016	2	FREEDOM SYSTEMS	\$1,019.98
18011	7/11/2016	114	FRONEFIELD CRAWFORD. JR. LL	\$1,180.00
18012	7/11/2016	46	GALLS, LLC	\$228.94
18013	7/11/2016	27	H. A. WEIGAND INC.	\$836.50
18014	7/11/2016	270	HALLADAY FLORIST	\$157.20
18015	7/11/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$990.67
18016	7/11/2016	1001755	MAJIC LANDSCAPES	\$1,396.00
18017	7/11/2016	1001910	NEW HOLLAND FORD ISUZU	\$32,595.00
18018	7/11/2016	178	PAGE EXCAVATING COMPANY,I	\$3,155.00
18019	7/11/2016	29	PECO ENERGY	\$347.82
18020	7/11/2016	30	PECO ENERGY (TRAFFIC LIGHT)	\$13.92
18021	7/11/2016	1002204	PENN STATE JUSTICE	\$450.00
18022	7/11/2016	554	RED THE UNIFORM TAILOR	\$993.05
18023	7/11/2016	171	REILLY & SONS INC.	\$451.66
18024	7/11/2016	811	S & S CLEANING SERVICE	\$368.33
18025	7/11/2016	1001833	STAPLES BUSINESS ADVANTAG	\$291.98
18026	7/11/2016	1001691	UNITED TIRE OF EAST CALN	\$472.80
<b>Bank Totals:</b>				<b>\$51,062.85</b>
<b>Total Of Checks:</b>				<b>\$51,062.85</b>

**Check Register****BIRMINGHAM TOWNSHIP**

11-Jul-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
18027	7/11/2016	6	INNOVATIVE CONSTRUCTION SE	\$35,169.40
18028	7/11/2016	30	PECO ENERGY (TRAFFIC LIGHT)	\$53.15
18029	7/11/2016	171	REILLY & SONS INC.	\$339.83
<b>Bank Totals:</b>				<b>\$35,562.38</b>
<b>NATIONAL PENN SEWER FUND</b>				
8998	7/11/2016	149	AECOM	\$3,607.63
<b>Bank Totals:</b>				<b>\$3,607.63</b>
<b>Total Of Checks:</b>				<b>\$39,170.01</b>