

BIRMINGHAM TOWNSHIP, CHESTER COUNTY
BOARD OF SUPERVISORS MINUTES
SEPTEMBER 11, 2017

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
Mike Shiring	-	Member, Board of Supervisors

Chairman Conklin moved to approve the August 7, 2017 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. General Fund bills totaled \$56,064.94. Sewer Fund bills totaled \$28,960.80. Supervisor Shiring seconded the motion and the bills were unanimously approved.

HOPPING/1053 GENERAL SULLIVAN/ ZONING HEARING BOARD APPLICATION FOR SOLAR ARRAY INSTALLATION

The Zoning Hearing Board is considering the application of William Hopping, 1053 General Sullivan Drive, for a special exception pursuant to Section 122-105.8 of the Zoning Chapter of the Code to erect a roof top mounted array on his single family home in the Radley Run development. The system will be installed on the front side of the house by Solar States LLC.

Vice-Chairman Boorse questioned the amount of light that would be available for solar power.

The Supervisors expressed concerns about the visibility of the solar panels on the roof since the panels will be installed on the front side of the house. Mr. Hopping replied that the house is located on the top of a slope and the roofline will be obscured by trees. He added that about 75% of the property is covered in trees, and as the house is on the slope he felt that there would be adequate sunlight to operate the solar system.

Chairman Conklin moved to take a non-position on the application and to defer the decision to the expertise of the Zoning Hearing Board after receiving testimony on the application at the hearing. Supervisor Shiring seconded the motion which was unanimously approved.

HISTORICAL COMMISSION REPORT

At the June 5, 2017 Township meeting the Board was provided the following criteria for the designation of a Township Historic Resource as recommended by the Historical Commission at its May 23, 2017 meeting.

The proposed criteria are as follows:

1. 50 years old or older; and meets at least one of the following criteria:

2. Associated with events that have made a significant contribution to the broad patterns of our national, state, or local history; or
3. Associated with the lives of persons significant in our past; or
4. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity, including historic vernacular structures and landscapes whose individual components may lack distinction; or
5. Has or may likely yield information important in pre-history or history; or
6. Is on or is eligible for listing on the National Register of Historic Places.

This list of criteria is new and not an amendment to an existing list. The Supervisors previously indicated that they could not consider the criteria without having a list of historical resources. A spreadsheet of historical structures has been prepared and was distributed to the Board. The list mirrors the existing list in the Cultural Resources Component of the Comprehensive Plan with the exception of four new inclusions that were recommended by resident and historic architect, Mary DeNadai. These include the Huntsman's House; the Kennel Man's House and the Dairy Master's House on Country Club Road and the Blue House at 1300 Creek Road.

Carla Westerman and Jim Forbes of the Historical Commission presented the proposal to the Board. Much discussion ensued on the first criteria of 50 years or older. Mrs. Westerman said that Mary DeNadai had explained that this was the industry standard and the criteria have been time tested and there is a legitimacy about them. Mr. Forbes added that he had the same concerns as the Supervisors but this criteria has been defended across the United States and for the Township to set its own criteria that is different would make it more subjective and litigious. The Board members expressed various concerns about this criteria and not wanting all properties being considered historical at some point. The Supervisors and the Historical Commission members all felt it would be worthwhile to confer with the Township Solicitor, Kristin Camp, to see what criteria is defensible.

Mrs. Westerman stated that she and Mary DeNadai looked at every property in the Township and documented the architectural style and floor plan and that structures that have been lost were included, such as the Dilworth Farm House and the Birmingham Diner. Some of the property owners did not want the information collected to become public. There is an on line filing system that was developed by Matt Bedwell, member of the Historical Commission, to be used as a research tool. Chairman Conklin said it is an asset of the Township. Mr. Forbes noted that it is on a google drive with restricted access and that someone in the Township needs to be trained on it.

Mrs. Westerman continued by noting that the criteria has been applied to the historical resources list and all properties on the list complied with the criteria.

Supervisor Shiring said that his house is on the list and he wondered if there is any notice to residents that they are included on the list. Sect./Treas. Nelling said that new residents in the HARB district only receive notification that their residence is in the HARB district. As the Historical Commission is still a work in progress with discussions ongoing about combining the

two committees or retaining the Historical Commission, no correspondence is being sent from the Township to property owners on this list until a final determination is made.

The Historical Commission is asking that the criteria be adopted and included in the Township's ordinances. The Supervisors will confer with the Township Solicitor on the defensibility of the proposed criteria or other criteria, such as a sliding scale or fixed date. No action was proposed at this time.

SCHEDULE CONDITIONAL USE HEARING DATE FOR LAND SOURCE (STARBUCKS)/1304 WILMINGTON PIKE

Subject to a recommendation forthcoming from the Planning Commission at its meeting tomorrow night, Chairman Conklin moved to authorize advertising for a conditional use hearing on the application of Land Source, LLC to permit a Starbucks high turnover eating and drinking establishment on the property at 1304 Wilmington Pike (prior Eagle Bank location) for Monday, October 2nd @ 6:30 PM. Vice Chairman Boorse seconded the motion. Supervisor Shiring abstained due to a conflict with legal representation. The motion was carried with two in favor and one abstention.

Vice-Chairman Boorse highly recommended that it be suggested that a traffic engineer attend the hearing as he would prefer that legal counsel for the applicant not talk through traffic with the Board.

AUTHORIZE ADVERTISING FOR SNOW REMOVAL

Supervisor Shiring moved to authorize advertising for the receipt of snow removal bids for the 2017/2018 snow removal season for the October 2nd meeting. Chairman Conklin seconded the motion which was unanimously approved.

MMO'S FOR PENSION PLANS

Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans. The law requires the Chief Administrative Officer of each municipal pension plan to inform the governing body of the municipality of the plans expected financial obligations for the coming year. This must be done by the last business day in September.

The calculation of the 2018 plan costs, or the MMO, required an estimate of the 2017 W-2 wages of the employees covered by the plan.

The minimum municipal obligation for the police pension plan is \$15,774.

The minimum municipal obligation for the non-uniform plan is \$4,603.

The pension plan costs will be offset by State Aid to municipal pensions to which the Township is entitled under Act 205.

NPDES PERMIT

At the July 10, 2017 meeting, the Supervisors had authorized public notice for thirty days of a draft NOI (Notice of Intent) to apply for permit coverage for a NPDES (National Pollutant

Discharge Elimination System) Individual Permit to Discharge Stormwater from the Township's MS4 (Municipal Separate Storm Sewer System). The only comments received from the public were at the July 10th meeting and they were included in the permit renewal application. No subsequent public comments were received so the permit renewal application prepared by the Township Engineer, VanDemark & Lynch, Inc., will be sent to DEP (Department of Environmental Protection) tomorrow with a \$2,500. application fee.

OFFICE ASSISTANT

Prior to the meeting, the Board interviewed Heidi K. Ickes for the position of Office Assistant in the Township Office as recommended by Secretary/Treasurer Nelling. She will work 20 - 22 hrs./week. Judy Jensen has resigned effective the end of the month to care for her mother. Gail Ayers will continue to work two days a week and on as-needed basis. Supervisor Shiring moved to hire Heidi Ickes for the position of Office Assistant at the rate of \$20./hr. Vice-Chairman Boorse seconded the motion which was unanimously approved.

PUBLIC COMMENT

Victor Leonhard, Brinton's Bridge Road, asked several questions about the Revolutionary War Re-enactment scheduled to be held this weekend.

1. Will the monies donated at the event be given to a non-profit organization?
2. Is there a rain date?
3. Is the event covered by township insurance, including any injuries caused by the horses?

Chairman Conklin provided the following responses.

1. Any excess monies collected would be used for park preservation.
2. There is no rain date.
3. The township insurance will cover the event and the re-enactors have their own coverage for their horses.

The meeting was adjourned at 8:28 PM. (JLC;SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

11-Sep-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
18767	9/11/2017	1001937	A ANCHOR	\$2,995.00
18768	9/11/2017	80	AQUA PENNSYLVANIA	\$2,348.25
18769	9/11/2017	849	BATTAVIO/B&F SERVICE CO.	\$85.00
18770	9/11/2017	1002320	BENJAMIN GOLDMAN	\$1,636.74
18771	9/11/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,328.45
18772	9/11/2017	873	CARDMEMBER SERVICE	\$125.05
18773	9/11/2017	1001945	CARL CLOSS	\$1,300.00
18774	9/11/2017	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
18775	9/11/2017	1001902	COMCAST CABLE	\$104.85
18776	9/11/2017	1002319	COMM OF PENNSYLVANIA-DEP	\$2,500.00
18777	9/11/2017	775	CONVENIENT CAR CARE CORPO	\$299.40
18778	9/11/2017	707	DAVID S RATHBUN	\$250.00
18779	9/11/2017	560	DRUGSCAN,INC.	\$168.00
18780	9/11/2017	1002301	E TENT	\$3,133.00
18781	9/11/2017	381	FEDEX	\$26.79
18782	9/11/2017	1001938	FIFE & DRUMS OF OLD BARRAC	\$2,500.00
18783	9/11/2017	2	FREEDOM SYSTEMS	\$1,595.00
18784	9/11/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$545.96
18785	9/11/2017	83	INTERNATIONAL CODE COUNCIL	\$89.00
18786	9/11/2017	938	JOHN L CONKLIN	\$100.00
18787	9/11/2017	1002001	LINDA KAAT	\$229.02
18788	9/11/2017	1001755	MAJIC LANDSCAPES	\$1,546.00
18789	9/11/2017	1002053	MICHAEL J HOCHHAUS	\$250.00
18790	9/11/2017	1002035	NOAH LEWIS	\$700.00
18791	9/11/2017	205	PARKWAY DRY CLEANERS, INC.	\$184.88
18792	9/11/2017	29	PECO ENERGY	\$345.52
18793	9/11/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$67.13
18794	9/11/2017	1001954	RADLEY RUN COUNTRY CLUB	\$2,295.00
18795	9/11/2017	171	REILLY & SONS INC.	\$615.69
18796	9/11/2017	811	S & S CLEANING SERVICE	\$538.45
18797	9/11/2017	1002003	TYNAN CONSULTANTS	\$500.00
18798	9/11/2017	278	UNRUH, TURNER, BURKE & FRE	\$2,595.91
18799	9/11/2017	1002214	WE R TECHNOLOGY	\$1,500.00
Bank Totals:				\$32,582.09
Total Of Checks:				\$32,582.09

Check Register**BIRMINGHAM TOWNSHIP**

11-Sep-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9456	9/11/2017	149	AECOM	\$713.94
9457	9/11/2017	849	BATTAVIO/B&F SERVICE CO.	\$255.00
9458	9/11/2017	1002318	BIG FISH ENVIRONMENTAL SER	\$6,368.82
9459	9/11/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$245.25
9460	9/11/2017	661	COMMONWEALTH OF PENNSYL	\$500.00
9461	9/11/2017	1001859	COYNE CHEMICAL	\$1,488.60
9462	9/11/2017	2	FREEDOM SYSTEMS	\$123.95
9463	9/11/2017	1001963	M & B ENVIRONMENTAL INC	\$1,181.49
9464	9/11/2017	1001755	MAJIC LANDSCAPES	\$460.00
9465	9/11/2017	29	PECO ENERGY	\$2,518.06
9466	9/11/2017	586	VERIZON 610-399-6923 315	\$49.99
9467	9/11/2017	821	WILLIAM J KIRKPATRICK	\$250.00
9468	9/11/2017	1001834	WM P MCGOVERN INC	\$943.50
Bank Totals:				\$15,098.60
Total Of Checks:				\$15,098.60

Check Register**BIRMINGHAM TOWNSHIP**

28-Aug-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
18750	8/28/2017	11	21ST CENTURY MEDIA - PHILLY	\$299.00
18751	8/28/2017	1001926	AJ BLOSENSKI, INC.	\$147.74
18752	8/28/2017	557	ALL SEASONS LANDSCAPING C	\$874.81
18753	8/28/2017	80	AQUA PENNSYLVANIA	\$61.00
18754	8/28/2017	1001994	CLARK HILL PLC	\$5,102.06
18755	8/28/2017	775	CONVENIENT CAR CARE CORPO	\$474.05
18756	8/28/2017	232	ELYSE/BERBEN INSIGNIA	\$233.50
18757	8/28/2017	1002011	FRANCOTYP-POSTALIA INC	\$237.00
18758	8/28/2017	46	GALLS, LLC	\$31.50
18759	8/28/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$580.00
18760	8/28/2017	27	H. A. WEIGAND INC.	\$33.74
18761	8/28/2017	1002001	LINDA KAAT	\$1,923.01
18762	8/28/2017	871	MICHAEL LANGER	\$52.71
18763	8/28/2017	171	REILLY & SONS INC.	\$1,024.86
18764	8/28/2017	1002015	REINOS DESIGN PRINT MAIL	\$45.89
18765	8/28/2017	23	VANDEMARK & LYNCH, INC.	\$4,181.72
18766	8/28/2017	1001913	VERIZON WIRELESS	\$148.70
Bank Totals:				\$15,451.29
Total Of Checks:				\$15,451.29

Check Register**BIRMINGHAM TOWNSHIP**

28-Aug-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9450 1	8/28/2017	149	AECOM	\$1,626.23
9451 2	8/28/2017	80	AQUA PENNSYLVANIA	\$1,210.22
9452 3	8/28/2017	1002318	BIG FISH ENVIRONMENTAL SER	\$4,350.00
9453 4	8/28/2017	1002317	GRAINGER	\$460.02
9454 5	8/28/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$3,697.00
9455 6	8/28/2017	574	WASTE MANAGEMENT OF SOUT	\$57.23
Bank Totals:				\$11,400.70
Total Of Checks:				\$11,400.70

Check Register

BIRMINGHAM TOWNSHIP

16-Aug-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T GENERAL FUND				
18701	8/16/2017	483	BIRMINGHAM TOWNSHIP,GENE	\$175,000.00
18702	8/16/2017	517	INDEPENDENCE BLUE CROSS	\$4,429.72
18703	8/16/2017	1002001	LINDA KAAT	\$9.40
18704	8/16/2017	1002154	VERIZON 610-4291316 676	\$49.78
Bank Totals:				\$179,488.90
Total Of Checks:				\$179,488.90

Check Register**BIRMINGHAM TOWNSHIP**

14-Aug-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T GENERAL FUND				
18694	8/14/2017	80	AQUA PENNSYLVANIA	\$2,348.25
18695	8/14/2017	70	CONCORD AUTO BODY, INC.	\$275.10
18696	8/14/2017	560	DRUGSCAN, INC.	\$336.00
18697	8/14/2017	205	PARKWAY DRY CLEANERS, INC.	\$181.51
18698	8/14/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$67.17
18699	8/14/2017	426	THE WATER GUY	\$5.68
18700	8/14/2017	61	VERIZON 610-793-2600-794	\$328.95
Bank Totals:				\$3,542.66
Total Of Checks:				\$3,542.66

Check Register

BIRMINGHAM TOWNSHIP

14-Aug-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T SEWER FUND				
9188	8/14/2017	29	PECO ENERGY	\$2,390.55
9189	8/14/2017	586	VERIZON 610-399-6923 315	\$70.95
Bank Totals:				\$2,461.50
Total Of Checks:				\$2,461.50