BIRMINGHAM TOWNSHIP BOARD OF SUPERVISORS MEETING DECEMBER 4, 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
Scott Boorse - Vice-Chairman
Mike Shiring - Supervisor

Chairman Conklin moved to approve the November 6, 2017 minutes as written. Vice-Chairman Boorse seconded the motion and the minutes were unanimously approved.

Vice-Chairman Boorse moved to approve the bills submitted for payment. General Fund bills totaled \$51,009.82. Sewer Fund bills totaled \$23,198.86. Supervisor Shiring seconded the motion and the bills were unanimously approved.

Vice-Chairman Boorse recognized the services of Nancy Bush as the Township Tax Collector for the last 35 years since 1982. Starting in 2018 the Township will be utilizing the services of the Chester County Treasurer's Office for the collection of property taxes.

Vice-Chairman Boorse presented John Conklin with a plaque of appreciation for his service to the Township as a member of the Recreation, Park and Open Space Committee; the Planning Commission; and the last twelve years as Township Supervisor. Vice-Chairman Boorse noted Chairman Conklin's accomplishments in preserving various properties in the Township, including the O'Dell tract; questioning PennDOT processes on the Rt. 926 bridge replacement project; and chairing the 325th anniversary and the two Battle of Brandywine re-enactments.

Vice-Chairman Boorse also presented Chairman Conklin with a citation of appreciation from State Representative Carolyn Comitta.

HARB REPORT

HARB met on November 21st to consider the application of John and Carolyn Reyerson, 1006 Radley Drive, to replace the existing wood deck with the following composite materials:

- Floor of deck and step treads will be Trex Transcend; color will be Tiki Torch
- Skirt of the deck and step risers will be Trex Transcend; color will be Vintage Lantern
- The posts and railings on the deck will be Azek Premier Rail System; color will be Kona
- Rungs of the deck railing will be a black color and round in shape.

Mr. Reyerson stated that the color of the post and railings will be Vintage Lantern, not Kona.

Supervisor Shiring moved to approve the Certificate of Appropriateness for the deck at 1006 Radley Drive with the color for the posts and railings changed from Kona to Vintage Lantern and with the understanding that revised drawings will need to be submitted for the issuance of the

building permit as referenced in the HARB minutes. Vice-Chairman Boorse seconded the motion which was unanimously approved.

ZONING HEARING BOARD

The Zoning Hearing Board is meeting on Wednesday, December 13th @ 7 PM to consider two applications.

1164 ARROWHEAD DRIVE/AIKEN/SOLAR ARRAY

Robert Aiken (Superior Solar Design LLC) applied for a special exception pursuant to Section 122-105.8(B(1) of the Zoning Chapter of the Township Code to erect a roof top mounted solar array on his single family home.

Douglas Davis with Superior Solar Design stated that there would be 42 panels installed on the house which would not be visible from Arrowhead Drive.

Chairman Conklin moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board to render an appropriate decision after reviewing the testimony. Vice-Chairman Boorse seconded the motion which was unanimously approved.

1302 WILMINGTON PIKE/FREDDY'S STEAKBURGERS/SIGN VARIANCE

Urban Neon Electric Sign Company, on behalf of Freddy's Steakburgers c/o Stephen DiMarco, applied for a variance from the single freestanding sign limitation in Section 122-90.B(1)(a) of the Zoning Chapter of the Township Code and a variance from the maximum of 50 square feet total display area on a freestanding sign requirement of Section 122-90.B(1)(d) of the Township Code in order to add a 13.5 square foot message board on an existing compliant freestanding ground sign.

The Supervisors had a lot of questions and wanted an explanation on the reason for the increase in the size of the sign. As there was no representation from the applicant at the meeting to answer the questions, Supervisor Shiring moved to oppose the application. Vice-Chairman Boorse seconded the motion as the Board is very reluctant to support sign variances or additional signage on the Rt. 202 Corridor. The Board unanimously opposed the application.

ADDENDUM TO AGREEMENT FOR OPERATION OF THE SEWER PLANT

The agreement with Big Fish Environmental to operate the Township's wastewater treatment plant expires December 31, 2017. The Board has requested proposals for the on-going operation of the plant to be submitted by Thursday, December 7, 2017 with a decision expected for the February 2018 meeting. In the interim, Scott Towler, owner of Big Fish Environmental, has agreed to extend the agreement to operate the plant until the end of February 2018.

Chairman Conklin moved to approve an addendum to the existing agreement for operation and maintenance of the Township's wastewater treatment plant with Scott Towler of Big Fish Environmental until February 28, 2018. Supervisor Shiring seconded the motion which was unanimously approved.

EMERGENCY RESPONSE DESIGNATION

At the annual organizational meeting the Supervisors establish the boundaries for fire, rescue, and ambulance protection. Chief Nelling stated that currently the Chester County Paramedics, through the Chester County Hospital, have been handling ambulance calls for Rt. 926 and north. They are discontinuing this service and will be replaced by Good Fellowship Ambulance.

Chairman Conklin moved to adopt Resolution #20171204A to establish the boundaries for fire, rescue and ambulance protection to eliminate Chester County Hospital and add Good Fellowship Ambulance for ambulance protection for the properties in the Township on Rt. 926 and north. Vice-Chairman Boorse seconded the motion which was unanimously approved.

Sect./Treas. Nelling noted that the resolution will have to be passed again at the organizational meeting with the new Board of Supervisors.

ADOPTION OF 2018 BUDGET

The preliminary 2018 budget was presented at the November 6th meeting and authorized for public inspection. There has been no public comment on the budget and no changes to the preliminary budget. The millage rate remains the same at 1.6 mills.

Chairman Conklin moved to adopt the 2018 Final Budget as prepared by Sect./Treas. Nelling. Supervisor Shiring seconded the motion which was unanimously approved.

APPOINT CHESTER COUNTY AS TAX COLLECTOR

Sect./Treas. Nelling is recommending that the Township pass a resolution and enter into an agreement with Chester County for the collection of property taxes starting in 2018. Mrs. Nelling has talked with Robin Purnell of the Chester County Treasurer's Office on several occasions about the process for the County to collect property taxes and she has talked to Pocopson Township about the process as they were one of the first townships to use the County for tax collection services. The cost to the Township is \$1.75/piece; and \$.55/piece for past due notices. There are 1,534 parcels in the Township so the cost will be \$2,684.50, excluding past due notices. The total cost for the year should not exceed \$3,000.00. Currently the elected tax collector receives 1.5% of collections which is over \$10,000.00. There will be a substantial savings to the residents for tax collection services. Mrs. Nelling noted that the County sends the tax bills out in February, a month earlier than they were sent out by the Township, so the discount; face and penalty periods will all be moved up a month. Tax certifications are \$10.00/piece to the requesting party and can be obtained on-line. The County will remit a check monthly to the Township along with a report identifying the properties for which taxes have been collected.

Supervisor Shiring moved to adopt Resolution #20171204B authorizing Chester County to collect township property taxes and to enter into an agreement with the County for the collection of township property taxes starting in 2018. Vice-Chairman Boorse seconded the motion which was unanimously approved.

MINI-CASINO RESOLUTION

The Pennsylvania General Assembly recently passed a new gambling expansion law legalizing a number of new gambling forms and venues. Act 42 of 2017 authorizes the placement of ten Category 4 casinos in the Commonwealth which are defined as "mini" or "satellite" casinos with a minimum of 300 and maximum of 750 slot machines as well as up to 50 table games, to be owned by current casino licenses.

Act 42 grants municipalities the authority to prohibit the location of a satellite casino within the limits of the municipality with the passage of a resolution to prohibit Category 4 casinos inside the municipality.

Chairman Conklin moved to approve Resolution #20171204C to prohibit the location of category 4 licensed casinos within the Township. Vice-Chairman Boorse seconded the motion which was unanimously approved.

2018 ROAD PROGRAM

Roadmaster Dave Rathbun was present asking for authorization to advertise for bids for the 2018 road program. The road program is estimated at \$274,000.00 which includes \$40,000. from the General Fund and the balance from State Liquid Fuels funds. The 2018 road program includes overlays and patching on General Weedon Drive; General Wayne Drive; General Lafayette Boulevard; Old Wilmington Pike and Masters Way. Curb repairs are proposed on Adams Way; Crescent Drive and Lea Drive and a temporary deck replacement is included for the General Lafayette Bridge as well as repairs to the timber wingwalls; cribbing; and guiderails of the Bridge.

There was discussion on whether to do a partial depth patch on Masters Way for \$19,900.00 or to mill and overlay the segment from 1609 to the intersection for a cost of \$33,100.00. The Board concurred that milling and overlaying would be the most cost efficient option and decided to include this project as an add-alternate in the bid package.

Another project to replace the storm pipe on Sumner Drive for an estimated cost of \$26,000.00 is also being proposed as an add-alternate for the road program bids.

The request for bids will be listed on line with PennBid. Bids will be advertised in the Daily Local on January 8th and 12th with bids due on Tuesday, January 30th for the Township Engineer to review for accuracy for awarding at the February 5th meeting.

Supervisor Shiring moved to authorize advertising on the 2018 road program, as presented by Mr. Rathbun, to include add-alternates for milling and overlaying on Masters Way and the storm pipe replacement on Sumner Drive. Vice-Chairman Boorse seconded the motion which was unanimously approved.

Jim Hatfield, Township Engineer, discussed the condition of the Radley Run Bridge with the Board. Recent inspections by PennDOT's consultant had concluded that the deck system is failing, which is the reason the bridge has been posted with a weight limit. The PennDOT bridge inspection report had stated there are three (3) repairs with different priorities. The highest

priority repair is to repair 3 approach guiderail posts that have rusted. This needs to be done as soon as possible, and is being included with the work specified in the 2018 road program.

Mr. Hatfield described the three guiderail post repairs as follows: The two posts located on the south end of the bridge (one on each side) are standard in-ground installations. The posts can be unbolted from the guiderail, removed, and replacement posts will be driven into the ground and re-bolted to the guiderail. The third post is located on the northeast corner of the bridge and is attached to the timber wingwall, which is partially rotten. The replacement post cannot be anchored to the rotten wood, so an alternate supporting system will be necessary. Mr. Hatfield described a method for forming and pouring a concrete anchoring system that will be tied into the timber piles.

The second priority is to make temporary repairs to the bridge deck to strengthen the areas that are currently failing. This is also being included in the specified work for the 2018 road program. Mr. Hatfield explained that the temporary deck repair would consist of removing the asphalt pavement surface from the bridge in select areas and placing steel plates to span the failing deck areas. Asphalt paving will then be placed over the steel plates to provide a smooth riding surface.

The third priority is to make permanent repairs to the bridge deck. This would require a complete removal and replacement of the bridge deck. Mr. Hatfield explained that other timber elements of the bridge are in various states of disrepair, so it may not make good financial sense to replace the bridge deck if other elements of the structure will fail soon. The Board may want to consider replacing the entire bridge structure. Mr. Hatfield stated he would be providing the Board with "order of magnitude" estimates to compare the costs of replacing the deck; repairing other elements of the bridge; and replacing the bridge entirely.

The current bridge was repaired in the late 1980's so it had a thirty year life span. The bridge is a timber structure. The cost to repair as is versus a concrete structure needs to be considered and reviewed.

Mr. Reyerson expected a lot more traffic on the bridge with the pending sale of the Radley Run Country Club in January 2018.

Chairman Conklin said that there were a lot of noise complaints about traffic hitting the plates on the Birmingham Road bridge. Mr. Hatfield explained that the plates on the Radley Run bridge will be recessed and covered with asphalt.

Vice-Chairman Boorse confirmed with Chief Nelling that fire trucks could not cross the bridge now because of the posted weight limit but that it was still accessible for school busses.

Dave Rathbun said that the bridge will remain open during the temporary repairs but with just one lane open. In the future, when the decking is replaced, the bridge will be closed for months.

RECREATION, PARK & OPEN SPACE COMMITTEE

Anne Seimer, RPOS Chairperson, said that the Township was approached by Pocopson Township resident, Jerry Barnes of Cannon Hill Road, wanting to donate an 1841 Civil War replica cannon to the Township. Repairs are needed to the cannon which can be done by the Williamson College of the Trades at a cost not to exceed \$500.00. At is November 20th meeting, RPOS recommended that the Board accept the donation of the cannon. The exact site for its placement has not been determined, but RPOS is considering its placement near the new sign at Birmingham Hill. The purpose of the cannon would be to recognize veterans who have served our country. The cannon is a ¾ size civil war cannon that is disassembled but would be assembled by Williamson College. RPOS also considered putting the cannon at Sandy Hollow as the cannon that is on the top of the hill cannot be left out in the elements long term as the wooden components are rotting.

Supervisor Shiring moved to accept the offer of the ¾ size civil war cannon from Jerry Barnes and to authorize repairs to the cannon not to exceed \$500.00. Vice-Chairman Boorse seconded the motion which was unanimously approved.

Linda Kaat, co-chairperson of the Revolutionary War re-enactment, stated that she had a problem with civil war items being placed on revolutionary war battlefield grounds. She felt the cannon would confuse visitors on the different wars and that it should go somewhere else like Gettysburg.

Chairman Conklin replied that there would be signage next to the cannon stating why it was there.

RPOS Chairperson Seimer said that the Committee was not planning to exhibit the cannon as being from the Revolutionary War. The cannon is for educational purposes to recognize patriots who have served this country.

PUBLIC COMMENT

MULLRAY BUILDERS/1360 OLD WILMINGTON PIKE

Bill Mullray of Mullray Builders was present requesting the allocation of two additional EDU's into the Township's wastewater treatment plant for the property at 1360 Old Wilmington Pike, which will be required for the possible subdivision of the property into three parcels. The property is currently under contract.

Chairman Conklin explained that a plan would need to be submitted to the Township and an analysis done of the current capacity. A quick answer could not be provided tonight.

DILWORTH FARM PROPERTY

Verne Weidman, Board Member of the Friends of the Brandywine Battlefield, asked the Township for time in exploring options with the Township Historical Commission for keeping the barn on the Dilworth Farm property at 1370 Birmingham Road.

Linda Kaat added that the house is demolished but that maybe the barn could stay as a possible visitors' center or it could be a potential for income as a rental property. She asked that the Township provide extra time so that various options for the barn and property can be evaluated.

Chairman Conklin responded that the Township does not own the property and is not "running the clock" on the project. The property is owned by the Civil War Preservation Trust. The Township was the conduit for funding for the preservation of the property. He presumed the property would be left as open space. He had no problem with the Historical Commission participating in reviewing options for the barn and property.

RADLEY RUN COUNTRY CLUB (RRCC)

The Township is in receipt of correspondence dated November 27, 2017 from Richard Kennedy, 1110 Independence Drive, requesting information on what will happen to the liquor license for the RRCC if the Club is sold to Club Corp. Club Corp owns three local golf courses. If the liquor license is changed to a privately owned license, the dining facilities would be opened up to the public. Mr. Kennedy was wondering if this would be allowed in a residential area? Colin Malone, 1110 S. Washington Ridge, was present as well supporting Mr. Kennedy in his concerns about the transition of the RRCC to Club Corp.

Mr. Kennedy added that the RRCC golf course is deeded as open space and is shown on township maps as County open space but it is not shown on County maps. He wondered about the protection and preservation of the golf course as open space and wanted assurance that the 100 acres cannot be developed in the future.

Chairman Conklin stated that the Commonwealth handles the liquor licensing. There is no Township involvement. The deed for the property says what can be done on the property and that maps are not legal documents. Involvement from the Township would be for compliance with local ordinances. He added that the Township cannot provide legal counsel for individuals.

The meeting was adjourned at 8:52 PM. (JLC;SCB)

Respectfully submitted,

Quina Nelling Secretary/Treasurer

Check Register

	Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMA	RK GENERAI	L FUND			
	18950	11/8/2017	1002356	ASPHALT MAINTENANCE, INC.	\$3,550.00
	18951	11/8/2017	1001994	CLARK HILL PLC	\$1,260.00
	18952	11/8/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$53.12
	18953	11/8/2017	171	REILLY & SONS INC.	\$869.70
	18954	11/8/2017	1002355	UNITED TIRE OF WEST CHESTE	\$551.80
				Bank Totals:	\$6,284.62
TRUMA	RK SEWER F	UND			
	9516	11/8/2017	149	AECOM	\$2,379.84
	9517	11/8/2017	798	PA ONE CALL SYSTEM, INC.	\$35.26
	9518	11/8/2017	29	PECO ENERGY	\$2,334.64
				Bank Totals:	\$4,749.74
			÷	Total Of Checks:	\$11,034.36

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Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL	_ FUND	tan at the first of the property of the second		
18955	11/20/2017	11	21ST CENTURY MEDIA - PHILLY	\$89.21
18956	11/20/2017	1001926	AJ BLOSENSKI, INC.	\$147.74
18957	11/20/2017	80	AQUA PENNSYLVANIA	\$2,348.25
18958	11/20/2017	469	BIRMINGHAM TOWNSHIP SEWE	\$317.32
18959	11/20/2017	79	BRANDYWINE VALLEY SPCA	\$154.50
18960	11/20/2017	415	COLLEEN M. PIMER	\$526.00
18961	11/20/2017	70	CONCORD AUTO BODY, INC.	\$981.28
18962	11/20/2017	775	CONVENIENT CAR CARE CORPO	\$274.45
18963	11/20/2017	46	GALLS, LLC	\$1,380.77
18964	11/20/2017	21	H. A. THOMSON	\$3,579.00
18965	11/20/2017	517	INDEPENDENCE BLUE CROSS	\$8,378.38
18966	11/20/2017	205	PARKWAY DRY CLEANERS, INC.	\$136.05
18967	11/20/2017	1002357	PARRA ELECTRIC INC.	\$45.00
18968	11/20/2017	1001900	ROBERT CLARKE	\$1,500.00
18969	11/20/2017	424	UNITED STATES POSTAL SERVI	\$500.00
18970	11/20/2017	278	UNRUH, TURNER, BURKE & FRE	\$2,604.81
18971	11/20/2017	23	VANDEMARK & LYNCH, INC.	\$6,522.48
18972	11/20/2017	1002154	VERIZON 610-4291316 676	\$59.07
18973	11/20/2017	61	VERIZON 610-793-2600-794	\$324.03
			Bank Totals:	\$29,868.34
			Total Of Checks:	\$29,868.34

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	9519	11/20/2017	1001859	COYNE CHEMICAL	\$2,081.35
	9520	11/20/2017	586	VERIZON 610-399-6923 315	\$58.83
	9521	11/20/2017	1001834	WM P MCGOVERN INC	\$340.00
				Bank Totals:	\$2,480.18
				Total Of Checks:	\$2,480.18

BIRMINGHAM TOWNSHIP

	Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMAI	RK GENERAL	FUND			
	18974	11/21/2017	1001913	VERIZON WIRELESS	\$149.01
				Bank Totals:	\$149.01
				Total Of Checks:	\$149.01

BIRMINGHAM TOWNSHIP

<i></i>	Check No	Check Date	Vendor No	Vendor Name	Check Amount
) KUMA	RK GENERAL	_ FUND			
	18975	11/21/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$19.99
				Bank Totals:	\$19.99
				Total Of Checks:	\$19.99

Check Register

3	Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMA	ARK SEWER F	UND	<u></u>		
	9522	12/4/2017	149	AECOM	\$2,578.17
	9523	12/4/2017	80	AQUA PENNSYLVANIA	\$1,244.21
	9524	12/4/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$550.00
	9525	12/4/2017	1002364	KBX GOLDEN LLC	\$10,020.20
	9526	12/4/2017	1001755	MAJIC LANDSCAPES	\$565.00
	9527	12/4/2017	586	VERIZON 610-399-6923 315	\$37.01
	9528	12/4/2017	574	WASTE MANAGEMENT OF SOUT	\$67.12
	9529	12/4/2017	821	WILLIAM J KIRKPATRICK	\$250.00
				Bank Totals:	\$15,311.71
				Total Of Checks:	\$15,311.71

Check Register

Check N	o Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENER	RAL FUND			
1897	6 12/4/2017	149	AECOM	\$79.33
1897	7 12/4/2017	80	AQUA PENNSYLVANIA	\$47.15
1897	8 12/4/2017	873	CARDMEMBER SERVICE	\$545.84
1897	9 12/4/2017	1001994	CLARK HILL PLC	\$126.00
1898	0 12/4/2017	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
1898	1 12/4/2017	1001902	COMCAST CABLE	\$104.85
1898	2 12/4/2017	707	DAVID S RATHBUN	\$250.00
1898	3 12/4/2017	560	DRUGSCAN,INC.	\$336.00
1898	4 12/4/2017	1002011	FRANCOTYP-POSTALIA INC	\$237.00
1898	5 12/4/2017	46	GALLS, LLC	\$273.86
1898	6 12/4/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$544.95
1898	7 12/4/2017	1002366	HORIZON SERVICES LLC	\$50.00
1898	8 12/4/2017	1002023	KEY BUSINESS SOLUTIONS	\$126.63
1898	9 12/4/2017	1001755	MAJIC LANDSCAPES	\$1,986.00
1899	0 12/4/2017	696	MEGILL HOMES INC.	\$615.10
1899	1 12/4/2017	1002053	MICHAEL J HOCHHAUS	\$250.00
1899	2 12/4/2017	722	MR. MULCH	\$600.00
1899	3 12/4/2017	91	PSATS	\$40.00
1899	4 12/4/2017	7	QUINA NELLING	\$8.56
1899	5 12/4/2017	1001954	RADLEY RUN COUNTRY CLUB	\$3,677.43
1899	6 12/4/2017	554	RED THE UNIFORM TAILOR	\$295.43
1899	7 12/4/2017	171	REILLY & SONS INC.	\$680.20
1899	8 12/4/2017	26	SIGNAL SERVICE INC.	\$420.00
1899	9 12/4/2017	1002365	SOLAR STATES LLC	\$70.19
			Bank Totals:	\$11,448.52
			Total Of Checks:	\$11,448.52

BIRMINGHAM TOWNSHIP

	Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMA	RK SEWER F	UND			
	9530	12/4/2017	1001859	COYNE CHEMICAL	\$499.02
				Bank Totals:	\$499.02
				Total Of Checks:	\$499.02

BIRMINGHAM TOWNSHIP

<i>[</i>	Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUM	ARK GENERAL	FUND			
	19000	12/4/2017	178	PAGE EXCAVATING COMPANY,I	\$1,150.00
				Bank Totals:	\$1,150.00
				Total Of Checks:	\$1,150.00

BIRMINGHAM TOWNSHIP

	Check No	Check Date	Vendor No	Vendor Name	Check Amount
RUMAF	RK GENERAI	_ FUND	· · · · · ·		
	19001	12/4/2017	289	GENERAL CODE PUBLISHERS C	\$1,195.00
	19002	12/4/2017	29	PECO ENERGY	\$532.34
	19003	12/4/2017	746	V.E. RALPH & SON,INC.	\$362.00
				Bank Totals:	\$2,089.34
				Total Of Checks:	\$2,089.34

BIRMINGHAM TOWNSHIP

Check No	Check Date	Vendor No	Vendor Name	Check Amount
RK SEWER F	UND			
9531	12/4/2017	29	PECO ENERGY	\$158.21
			Bank Totals:	\$158.21
			Total Of Checks:	\$158.21