

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
SEPTEMBER 10, 2018**

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

| | | |
|-----------------|---|-------------------------------------|
| Scott Boorse | - | Chairman, Board of Supervisors |
| Michael Shiring | - | Vice-Chairman, Board of Supervisors |
| J. Daniel Hill | - | Member, Board of Supervisors |

Also in attendance was Township Solicitor Kristin Camp.

Vice-Chairman Shiring moved to approve the August 6, 2018 minutes as written. Supervisor Hill seconded the motion and the minutes were approved with two in favor and one abstention from Chairman Boorse who was not in attendance for the August 6th meeting.

Vice-Chairman Shiring moved to approve the bills submitted for payment since the August 6th meeting. General Fund bills totaled \$48,028.59. Sewer Fund bills totaled \$23,968.82. Supervisor Hill seconded the motion and the bills were unanimously approved.

POLICE REPORT

Newly hired part-time police officer Tyler DeVoe was sworn in by Chairman Scott Boorse. Upon the recommendation of Chief Nelling, Chairman Boorse moved to increase the hourly rate of Officer DeVoe from the training rate of \$19.00/hr. to the first level rate for a patrolman at \$21.00/hr. effective September 10, 2018. Vice-Chairman Shiring seconded the motion which was unanimously approved.

Chief Nelling reported for the month of August. There were 1,019 incidents including six criminal arrests. There were 7,872 patrol miles logged on the vehicles during the month. The Birmingham Police Department conducted a DUI Checkpoint on August 18th on Rt. 202 southbound in front of Stillman Volvo. A total of 642 vehicles went through the checkpoint; seven drivers were tested with 2 DUI arrests.

HIRING OF OFFICE ASSISTANT

Office Assistant Heidi Ickes terminated employment with the Township effective August 23rd due to a conflict with hours required for her other job as a bus driver for the UCF School District. Prior to tonight's meeting the Board interviewed Kim Schmelzer of Sadsburyville to fill the vacancy. Vice-Chairman Shiring moved to hire Kim Schmelzer for the position of Office Assistant at the rate of \$20.00/hr. effective October 22nd. Supervisor Hill seconded the motion which was unanimously approved.

CHAPTER 82 (PEDDLING AND SOLICITING) ORDINANCE HEARING

Solicitor Camp announced that the Township is updating Chapter 82 of the Township Code, "Peddling and Soliciting", specifically Section 82-4.E to amend the hours of soliciting from 8

AM – 6 PM to 9 AM – 9 PM. There was a challenge to the solicitation ordinance in Kennett Township on first amendment rights that a reasonable time, place and manner for the activities to occur must be allowed because soliciting wasn't allowed in the evening hours. Solicitor Camp said that the wording in Section 82.4.H was vague and that the language in that section has been updated as well.

The hearing was duly advertised in the Daily Local News on August 31st and copies of the ordinance proposal were sent to the Daily Local and the Chester County Law Library.

Michael Bracciante, 867 Penns Way, asked if the Township has a registry of residents or HOA's that post signs for no solicitation?

A registry does not exist but that is something that could be considered for a future ordinance update. Solicitor Camp said that East Goshen Township addresses this issue in their ordinance and she will provide samples to the Board. A "no solicitation list" would be provided to the solicitors when they obtained their solicitation permit. Each HOA would have to have an agreement with every homeowner in the entire development wanting their homes to be registered for non-solicitation. The Township would not be able to enforce the ordinance on behalf of the HOA.

Fredda Maddox, Jaeger Circle, asked about solicitation for political activities? Solicitor Camp responded that the Township does not get involved with political activities because of free speech rights.

Chairman Boorse moved to adopt Ordinance 18-01 to amend Chapter 82, Peddling and Soliciting. Vice-Chairman Shiring seconded the motion which was unanimously approved.

HOPPING/1053 GENERAL SULLIVAN/ZHB APPEAL SETTLEMENT

The Township Code requires a special exception from the Zoning Hearing Board (ZHB) for the installation of solar panels. William and Yolanda Hopping, 1053 General Sullivan Drive, applied to the ZHB who rightfully denied the special exception as the Hoppings could not demonstrate that the solar panels would not be visible from General Sullivan Drive, as required by the Code. The Hoppings appealed the ZHB decision to the Chester County Court of Common Pleas citing that the decision was rendered solely on aesthetics. Solicitor Camp said that rather than spend additional time and legal fees to pursue, adjudicate and defend a substantive validity challenge, the Supervisors and the ZHB have agreed to resolve the issues with the Hoppings by permitting the installation of the solar panels in consideration of the Hoppings agreeing to withdraw the appeal and to waive the right to file a substantive validity challenge with the ZHB or the Supervisors.

Solicitor Camp confirmed for Vice-Chairman Shiring that there were no neighbors at the ZHB hearing that requested party status or were opposed to the solar panels. There were neighbors present that acknowledged that the panels would be visible from General Sullivan Drive.

Vice-Chairman Shiring moved to approve the settlement agreement and mutual release of land use appeal No. 2017-10711-ZB with William and Yolanda Hopping, 1053 General Sullivan Drive. Chairman Boorse seconded the motion which was unanimously approved.

WEST CHESTER PUBLIC LIBRAR

Victoria Dow, Executive Director, and Fredda Maddox, Board Member and Township resident, were present to thank the Board for its past contributions to the Library and to request that a contribution be included in the 2019 budget. The Library is located in the Borough and it serves the residents of the Borough and six townships, all of which allocate funding to the Library. The Library offers a wide variety of programs across all age groups. The Library has offered children's programs for years which have been very popular. The teen/tween program has really taken off with the establishment of a teen advisory board consisting of high school students from the area who provide input on programs for their peers. The demand is increasing by about 25% each year for e-books, although printed books are still being read. The Library is more of a community center with copiers, computers, scanners, free Wi-Fi as well as a lending institution. The Library is also available for advertising township and local events, but fund raisers are excluded. The seating capacity of the Library was increased in 2017. The number of Birmingham residents using the Library facilities this past year has risen with over 1,000 residents of the Township being members of the Library.

In response to Chairman Boorse, Victoria Dow explained that the more local funds that are received by the Library, the more State Funds that are received as well. The financing sources for the Library are: 1) fundraising; 2) State and County; and 3) local. There are about 100,000 users of the Library on an annual basis. Library hours are M-W, 9:30AM – 8 PM and TH – Sat., 9:30 AM – 5 PM. There is strategic planning underway to increase the hours the Library is open.

Fredda Maddox added that there are also fun activities at the Library for adults. The Library hosted cocktails on the terrace with singer Bobby Rydell this year.

HISTORICAL COMMISSION (HC)

WYETH/1175 BRINTON'S BRIDGE ROAD/SCHOOL HOUSE REBUILD

At its meeting on August 28th, the HC recommended approval of the plans presented by Tom Ray, on behalf of the Wyeth Foundation, for the demolition and rebuild of the rear addition of the School House (HR#49), located at 1175 Brinton's Bridge Road. The Plan was drawn by Daniels Consulting Engineers, LLC, dated 6/14/2018. The footprint of the house will remain the same, but the foundation will be raised to address water damage. The fake slate roof will be replaced with a standing seam roof. The garage will be eliminated and made into an entryway with a utility room. Aluminum clad windows will match the existing windows in the house. The house is currently a one bedroom apartment with a kitchen and bath which is being used as a library. The bedroom apartment will be turned into an office area.

Chairman Boorse moved to approve the building permit plans for the renovations proposed to the foundation and roof for the Wyeth property at 1175 Brinton's Bridge Road (HR#49). Vice-Chairman Shiring seconded the motion which was unanimously approved.

SNOW FENCE FOR SANDY HOLLOW PARK

Members of the Recreation, Park and Open Space Committee (RPOS) met with Chief Nelling at Sandy Hollow Park to review the use of fencing and/or landscaping along South New Street Road where there have been problems with drifting snow and accidents at this location in the past. Anne Seimer, RPOS Chairman, talked with PennDOT about snow fencing. After reviewing alternatives, RPOS is recommending the installation of a four foot tall wood picket fence, approximately 200 feet in length. The cost of the fencing is \$110. - \$130. per 50 feet and about 25 – 30 stakes will need to be purchased at a cost of \$10. - \$15./stake. It is recommended that the snow fence be installed about one foot off of the ground. The Supervisors had suggested something more aesthetically pleasing than a picket fence, but after research it was determined that the stockade fencing is not as effective and it is a big investment if it doesn't work.

Chairman Boorse mentioned that there would be an issue with storage of the fence and labor for the installation. RPOS members, Chief Nelling and Brian Matuszewski will handle the installation.

Chief Nelling was in favor of testing out the snow fencing. He said that there would be a cost savings to the township not having the contractor come out and clear the road every time the snow drifts the road closed. He also said he understood that leaving the grass high along the road would help the drifting. Anne Seimer agreed to call the farmer that leases the property, Hicks Brothers, and ask them not to cut this area for the fall.

Chairman Boorse moved to approve an expenditure of snow fencing for Sandy Hollow to minimize drifting along South New Street Road. Vice-Chairman Shiring seconded the motion which was unanimously approved.

SNOW REMOVAL BIDS 2018/2019 SEASON

It was duly advertised in the Daily Local News on August 16th and 23rd that the Township would be accepting bids for snow removal services for the 2018 – 2019 season. One bid was received from Page Excavating, Inc. of Lincoln University. Chairman Boorse compared the hourly rates proposed against the hourly rates for the prior season. Some rates increased and some decreased. The labor rate increased \$3.00/hr. from \$45. to \$48. Chief Nelling coordinates with Chris Wood of Page Excavating on when to come out for snow removal services. Vice-Chairman Shiring moved to approve the proposal from Page Excavating Co. for snow removal services for the 2018 – 2019 season. Chairman Boorse seconded the motion which was unanimously approved.

RESOLUTION FOR BBD, LLP TO PERFORM 2018 AUDIT

It was duly advertised on August 9th in the Daily Local News that the Supervisors would be considering the appointment of BBD, LLP to perform the audit of the Township financial statements for the fiscal year 2018 at a cost of \$5,000.00. Vice-Chairman Shiring moved to adopt Resolution #180910A for the appointment of BBD, LLP to perform the 2018 audit at a cost of \$5,000.00. Chairman Boorse 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 to inform the governing body of the expected

financial obligations of the plan for the coming year by the last business day in September. The calculation of the 2019 plan costs, or the MMO, requires an estimate of the 2018 W-2 wages of the employees covered by the plans. There are two non-uniform employees (1 retired) and four uniform employees (1 vested) covered by the plans. The MMO for the non-uniform plan is \$0.00 as the actuarial present value of the future benefits (A1) is less than the actuarial value of assets (B1) so the plan's MMO is automatically set at \$0.00. The MMO for the police pension plan is \$3,699. State aid will offset the cost of the pension plan. Excess state aid will be deposited into the plans. Vice-Chairman Shiring moved to accept the MMO's for the pension plans for 2018 as provided by Sect. /Treas. Nelling (CAO of the plans). Supervisor Hill seconded the motion which was unanimously approved.

RESOLUTION FOR BERKHEIMER, LST TAX

Chairman Boorse moved to adopt Resolution #180910B authorizing Sect. /Treas. Nelling to be the liaison between the Township and Berkheimer, the duly appointed collector of local services tax for the Township, for the express purpose of sharing confidential tax information with the Township. Vice-Chairman Shiring seconded the motion which was unanimously approved. Mrs. Nelling said that the resolution was required to enable her to access the local tax information on-line and to reduce the paper submissions to the Township.

AUTHORIZE ADVERTISING FOR 2019 BUDGET MEETING

Due to a conflict with the October 8th date for the 2019 budget meeting, Chairman Boorse moved to authorize advertising for the budget meeting for Tuesday, October 16th @ 6 PM. Supervisor Hill seconded the motion which was unanimously approved.

PUBLIC COMMENT

Reynold Levocz and Michael Bracciante from Penns Way, Woodside Development, were present to discuss a tall hedgerow planted in front of 870 Penns Way which is a safety concern for the residents because of sight distance problems. The HOA for Woodside has repeatedly asked the property owner of 870 to trim the hedge, as recorded in the minutes of the HOA, with no response from the property owner. Township officials met at the site in 2015 and the hedgerow was trimmed by the property owner. As the hedgerow is located in the right of way of Penns Way, the HOA feels the Township should be responsible for the maintenance of the hedgerow in order to maintain safe sight distance. They said that if the HOA could have gotten resolution from the property owner they would not be here asking for help from the Township.

The Board will have the Township Solicitor research the deed of dedication for Penns Way for Township responsibility and the Board will follow up with the Zoning Officer.

The meeting was adjourned at 8:44 PM. (JDH; SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

15-Aug-18

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|-----------------------------|------------|-----------|-----------------------------|--------------------|
| TRUMARK GENERAL FUND | | | | |
| 19392 | 8/15/2018 | 79 | BRANDYWINE VALLEY SPCA | \$212.18 |
| 19393 | 8/15/2018 | 51 | CHESTER COUNTY TREASURER | \$439.06 |
| 19394 | 8/15/2018 | 1001994 | CLARK HILL PLC | \$409.50 |
| 19395 | 8/15/2018 | 1001911 | DELAWARE CO COMM COLLEGE | \$60.00 |
| 19396 | 8/15/2018 | 114 | FRONEFIELD CRAWFORD, JR. LL | \$160.00 |
| 19397 | 8/15/2018 | 702 | GEORGE SPYROPOULOS, D.O. | \$150.00 |
| 19398 | 8/15/2018 | 21 | H. A. THOMSON | \$19.00 |
| 19399 | 8/15/2018 | 517 | INDEPENDENCE BLUE CROSS | \$6,666.00 |
| 19400 | 8/15/2018 | 205 | PARKWAY DRY CLEANERS, INC. | \$163.16 |
| 19401 | 8/15/2018 | 30 | PECO ENERGY (TRAFFIC LIGHT) | \$48.61 |
| 19402 | 8/15/2018 | 171 | REILLY & SONS INC. | \$614.94 |
| 19403 | 8/15/2018 | 26 | SIGNAL SERVICE INC. | \$150.00 |
| 19404 | 8/15/2018 | 1002457 | SULPIZIO RAZZI | \$1,262.73 |
| 19405 | 8/15/2018 | 23 | VANDEMARK & LYNCH, INC. | \$5,851.01 |
| 19406 | 8/15/2018 | 61 | VERIZON 610-793-2600-794 | \$345.74 |
| 19407 | 8/15/2018 | 1002214 | WE R TECHNOLOGY | \$1,500.00 |
| Bank Totals: | | | | \$18,051.93 |
| Total Of Checks: | | | | \$18,051.93 |

Check Register

BIRMINGHAM TOWNSHIP

15-Aug-18

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|---------------------------|------------|-----------|--------------------------|-------------------|
| TRUMARK SEWER FUND | | | | |
| 9667 | 8/15/2018 | 29 | PECO ENERGY | \$2,373.16 |
| 9668 | 8/15/2018 | 586 | VERIZON 610-399-6923 315 | \$57.79 |
| 9669 | 8/15/2018 | 1001834 | WM P MCGOVERN INC | \$3,367.00 |
| Bank Totals: | | | | \$5,797.95 |
| Total Of Checks: | | | | \$5,797.95 |

Check Register**BIRMINGHAM TOWNSHIP**

27-Aug-18

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|-----------------------------|------------|-----------|-----------------------------|--------------------|
| TRUMARK GENERAL FUND | | | | |
| 19408 | 8/27/2018 | 11 | 21ST CENTURY MEDIA - PHILLY | \$107.34 |
| 19409 | 8/27/2018 | 1001926 | AJ BLOSENSKI, INC. | \$147.74 |
| 19410 | 8/27/2018 | 849 | BATTAVIO/B&F SERVICE CO. | \$85.00 |
| 19411 | 8/27/2018 | 9 | BRUCE E MAPES, PHD | \$200.00 |
| 19412 | 8/27/2018 | 613 | COUNTY OF CHESTER | \$35.00 |
| 19413 | 8/27/2018 | 1002011 | FRANCOTYP-POSTALIA INC | \$237.00 |
| 19414 | 8/27/2018 | 2 | FREEDOM SYSTEMS | \$1,595.00 |
| 19415 | 8/27/2018 | 46 | GALLS, LLC | \$355.78 |
| 19416 | 8/27/2018 | 289 | GENERAL CODE PUBLISHERS C | \$3,991.56 |
| 19417 | 8/27/2018 | 422 | HARRY TILLMAN AUTOMOTIVE L | \$162.99 |
| 19418 | 8/27/2018 | 711 | JUDY JENSEN | \$900.00 |
| 19419 | 8/27/2018 | 508 | NASK DOOR, INC. | \$168.00 |
| 19420 | 8/27/2018 | 3 | PA TWP HEALTH INS COOP TRU | \$122.10 |
| 19421 | 8/27/2018 | 554 | RED THE UNIFORM TAILOR | \$250.48 |
| 19422 | 8/27/2018 | 171 | REILLY & SONS INC. | \$671.24 |
| 19423 | 8/27/2018 | 1002392 | TRI-COUNTY PEST CONTROL IN | \$100.00 |
| 19424 | 8/27/2018 | 23 | VANDEMARK & LYNCH, INC. | \$3,538.56 |
| 19425 | 8/27/2018 | 1002154 | VERIZON 610-4291316 676 | \$57.94 |
| 19426 | 8/27/2018 | 1001913 | VERIZON WIRELESS | \$188.76 |
| Bank Totals: | | | | \$12,914.49 |
| Total Of Checks: | | | | \$12,914.49 |

Check Register

BIRMINGHAM TOWNSHIP

27-Aug-18

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|---------------------------|------------|-----------|----------------------------|-------------------|
| TRUMARK SEWER FUND | | | | |
| 9670 | 8/27/2018 | 849 | BATTAVIO/B&F SERVICE CO. | \$255.00 |
| 9671 | 8/27/2018 | 1001859 | COYNE CHEMICAL | \$1,531.25 |
| 9672 | 8/27/2018 | 1002392 | TRI-COUNTY PEST CONTROL IN | \$60.00 |
| 9673 | 8/27/2018 | 586 | VERIZON 610-399-6923 315 | \$54.32 |
| 9674 | 8/27/2018 | 574 | WASTE MANAGEMENT OF SOUT | \$68.33 |
| Bank Totals: | | | | \$1,968.90 |
| Total Of Checks: | | | | \$1,968.90 |

Check Register**BIRMINGHAM TOWNSHIP**

10-Sep-18

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|-----------------------------|------------|-----------|-----------------------------|--------------------|
| TRUMARK GENERAL FUND | | | | |
| 19427 | 9/10/2018 | 11 | 21ST CENTURY MEDIA - PHILLY | \$535.84 |
| 19428 | 9/10/2018 | 776 | ALCOPRO | \$205.84 |
| 19429 | 9/10/2018 | 80 | AQUA PENNSYLVANIA | \$2,442.85 |
| 19430 | 9/10/2018 | 1002400 | AXON ENTERPRISE, INC. | \$759.00 |
| 19431 | 9/10/2018 | 366 | BUCKLEY,BRION,MCGUIRE ATTY | \$1,635.40 |
| 19432 | 9/10/2018 | 873 | CARDMEMBER SERVICE | \$846.41 |
| 19433 | 9/10/2018 | 1002121 | CLEVENS K-9 SCOOP LLC | \$84.00 |
| 19434 | 9/10/2018 | 1001902 | COMCAST CABLE | \$104.85 |
| 19435 | 9/10/2018 | 232 | ELYSE/BERBEN INSIGNIA | \$197.70 |
| 19436 | 9/10/2018 | 114 | FRONEFIELD CRAWFORD. JR. LL | \$120.00 |
| 19437 | 9/10/2018 | 46 | GALLS, LLC | \$254.93 |
| 19438 | 9/10/2018 | 780 | GUMBALL MEDIA,LLC\LAND ART | \$985.00 |
| 19439 | 9/10/2018 | 422 | HARRY TILLMAN AUTOMOTIVE L | \$972.94 |
| 19440 | 9/10/2018 | 1002052 | JENNIFER A BOORSE | \$325.00 |
| 19441 | 9/10/2018 | 1001755 | MAJIC LANDSCAPES | \$2,034.00 |
| 19442 | 9/10/2018 | 1002053 | MICHAEL J HOCHHAUS | \$250.00 |
| 19443 | 9/10/2018 | 205 | PARKWAY DRY CLEANERS, INC. | \$186.80 |
| 19444 | 9/10/2018 | 29 | PECO ENERGY | \$287.24 |
| 19445 | 9/10/2018 | 30 | PECO ENERGY (TRAFFIC LIGHT) | \$60.91 |
| 19446 | 9/10/2018 | 171 | REILLY & SONS INC. | \$513.79 |
| 19447 | 9/10/2018 | 75 | RJCRAIG GRAPHICS & DESIGN | \$69.00 |
| 19448 | 9/10/2018 | 811 | S & S CLEANING SERVICE | \$388.00 |
| 19449 | 9/10/2018 | 26 | SIGNAL SERVICE INC. | \$490.00 |
| 19450 | 9/10/2018 | 226 | SIRCHIE FINGER PRINT LABORA | \$83.68 |
| 19451 | 9/10/2018 | 1001833 | STAPLES BUSINESS ADVANTAG | \$971.67 |
| 19452 | 9/10/2018 | 278 | UNRUH, TURNER, BURKE & FRE | \$1,887.69 |
| 19453 | 9/10/2018 | 61 | VERIZON 610-793-2600-794 | \$352.64 |
| 19454 | 9/10/2018 | 917 | WITMER PUBLIC SAFETY GROU | \$16.99 |
| Bank Totals: | | | | \$17,062.17 |
| Total Of Checks: | | | | \$17,062.17 |

Check Register**BIRMINGHAM TOWNSHIP**

10-Sep-18

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|---------------------------|------------|-----------|-------------------------------|--------------------|
| TRUMARK SEWER FUND | | | | |
| 9675 | 9/10/2018 | 149 | AECOM | \$2,438.06 |
| 9676 | 9/10/2018 | 80 | AQUA PENNSYLVANIA | \$1,015.03 |
| 9677 | 9/10/2018 | 483 | BIRMINGHAM TOWNSHIP, GENE | \$520.89 |
| 9678 | 9/10/2018 | 366 | BUCKLEY, BRION, MCGUIRE ATTY | \$27.92 |
| 9679 | 9/10/2018 | 780 | GUMBALL MEDIA, LLC \ LAND ART | \$695.00 |
| 9680 | 9/10/2018 | 1001755 | MAJIC LANDSCAPES | \$585.00 |
| 9681 | 9/10/2018 | 29 | PECO ENERGY | \$2,323.01 |
| 9682 | 9/10/2018 | 586 | VERIZON 610-399-6923 315 | \$60.85 |
| 9683 | 9/10/2018 | 1002401 | WALTON WATER SERVICES | \$6,296.21 |
| 9684 | 9/10/2018 | 821 | WILLIAM J KIRKPATRICK | \$250.00 |
| 9685 | 9/10/2018 | 1001834 | WM P MCGOVERN INC | \$1,990.00 |
| Bank Totals: | | | | \$16,201.97 |
| Total Of Checks: | | | | \$16,201.97 |