

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MEETING
MARCH 7, 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
Mike Shiring	-	Member, Board of Supervisors

Also in attendance was Solicitor Kristin Camp.

Chairman Conklin moved to approve the February 1, 2016 minutes as written. Mr. Boorse seconded the motion and the minutes were unanimously approved.

Mr. Boorse moved to approve the bills submitted for payment during the month. General Fund bills totaled \$52,872.15. Sewer Fund bills totaled \$47,921.62. Mr. 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 CUSTARD AND STEAKBURGERS CONDITIONAL USE DECISION

A conditional use hearing was held on February 1, 2016, prior to the regular Township meeting, to consider the application of Freddy's Frozen Custard and Steakburgers and Stephen Dimarco to amend the December 15, 2003 conditional use decision for the property located at 1302 Wilmington Pike, which had been developed with a retail convenience store and gasoline facility, in order to allow a one-story 3,374 sq. ft. eating and drinking establishment with a drive-through lane. A draft decision has been circulated among the Board members by Solicitor Camp for consideration. Applicant's legal counsel, Mark Thompson, is agreeable with the conditions in the decision. Mr. Shiring moved to approve the conditional use decision for Freddy's Custard and Steakburgers with the addition of Condition #12 which would require a letter of acceptance of the conditions from the applicant. Mr. Boorse seconded the motion which was unanimously approved.

ADEY/1301 BIRMINGHAM ROAD/ZONING HEARING BOARD APPLICATION

The Township is in receipt of a Zoning Hearing Board application from Brad P. & Kendra Adey for a variance from the 200 foot setback requirement from building line to street line set forth in Section 122-14.D of the Zoning Chapter of the Township Code for the construction of a new house at 1301 Birmingham Road.

Chairman Conklin moved to support the Zoning Hearing Board Application of the Adeys based on the various views across the open space; the mature trees; and the impervious cover. The proposed location for the new house limits its visibility which also affects the adjacent neighbors.

Unaware of the need for a variance, at its February 1, 2016 meeting, the Board of Supervisors approved a Certificate of Appropriateness for the new house, as recommended by the Historical Architectural Review Board, based on the proposed location of the house and the mature trees on the property. Mr. Boorse seconded the motion which was unanimously approved.

HARB GUIDELINES AMENDMENT/ZONING ORDINANCE APPENDIX B TABLE

At its meeting on January 19th, HARB recommended that Section A-127-4.C.8 of the Design Guidelines be changed to increase the height of fences from four feet to five feet to be consistent with the zoning ordinance.

Jim Hatfield, Township Engineer, in reviewing the Adey application, noted that the Appendix B table did not match the text in Section 122-14.D of the Code which requires a front yard of not less than 100 feet from the building line to the street line or 200 feet from the building line to the street line if the lot fronts are on an arterial, collector or rural street. The table shows only 100' and not the 200'.

Both items will be held for inclusion in the next ordinance update by the Board.

CIVIL WAR TRUST/1370 BIRMINGHAM ROAD

At the February 1st meeting, a presentation was made to the Board by Thomas Gilmore, Director of Real Estate for the Civil War Trust, requesting the Township to act as the government sponsor for a federal grant in order to purchase the 10.4 acre tract at 1370 Birmingham Road, which was a significant property in the Battle of Brandywine. The Board was favorable towards the proposal but requested the Township Solicitor to review the paperwork and ensure that there were no liabilities for the Township and that the obligations as grant sponsor were fully understood. Solicitor Camp has reviewed the paperwork and sees no issue with the Township acting as the government sponsor for the grant application. The Civil War Trust is requesting a letter to Paul Hawke, Chief of the American Battlefield Protection Program and the grant application, which the Civil War Trust will help in completing.

Mr. Boorse moved to have the Township act as the government sponsor for the Civil War Trust's grant application for the purchase of 1370 Birmingham Road and to forward the requested letter to Paul Hawke. Mr. Shiring seconded the motion which was unanimously approved.

NATURAL LANDS TRUST/MOORE PROPERTY/901 BIRMINGHAM ROAD

The Township is in receipt of a letter dated February 19, 2016 from Erin McCormick, Conservation Easement Program Director of the Natural Lands Trust, who has been working with the Moore family, 901 Birmingham Road, to conserve their 88.1 acre property, located in both Birmingham and Westtown Townships, with a conservation easement. Natural Lands Trust is requesting a letter of support from the Township for funding of the easement through grant applications. As part of the grant funding request is the proposition for a public trail with parking access as well as the ability to hold organized Revolutionary War reenactments up to two times a year which would be open to the general public.

Mr. Shiring moved to send a letter of support to the Natural Lands Trust for the grant funding to secure a conservation easement on the Moore property. Mr. Boorse seconded the motion which was unanimously approved.

VERIZON FRANCHISE RENEWAL REQUEST

The Township is in receipt of notification dated February 10, 2016 from Verizon that the cable television franchise expires on September 23, 2018. The renewal with Comcast was done in a combined effort with several municipalities through the services of Andy Rau, Esq. of Unruh, Turner, Burke and Frees. Sect./Treas. Nelling contacted Mr. Rau to see if other municipalities had reached out for a combined renewal with Verizon. He had only been contacted by Tredyffrin Township which could not be part of a combined renewal as they have a unique situation. Mr. Rau offered to review the franchise renewal agreement pro bono to see if the Township would benefit by doing an informal renewal at this time which would not necessitate his services until the next formal renewal process. Sect./Treas. Nelling will update the Board when information is received from Mr. Rau.

POLICE REPORT

Police Chief Thomas Nelling reported for the month of February 2016. There were 1,783 incidents during the month with the majority being vacation house checks. There were eleven criminal arrests during the month which included four DUI's. There were 7,332 patrol miles logged on the vehicles during the month. Mr. Boorse confirmed with Chief Nelling that none of the DUI's were related to businesses in the Township.

Chief Nelling requested that the Board look at the intersection of Hessian Circle and General Wayne in Radley Run during the road inspection which is a dangerous area for the bus stop due to constant icy conditions at that location.

Kathy Smith, Faucett Drive, felt the snow removal services were not as good this year as in past years. She complained that only one lane was plowed open after the big blizzard in February.

Chairman Conklin noted that the Township has chosen not to pay to have snow hauled away.

RT. 926 BRIDGE REPLACEMENT

PennDOT will be holding an open house public meeting to update the public and local communities on the design for the replacement of the Rt. 926 bridge and associated roadway improvements in Birmingham and Pocopson Townships and the results of recent environmental studies on Wednesday, March 30th @ the Pocopson Elementary School from 5:30 – 8:00 PM.

The meeting was adjourned at 7:53 PM. (JLC;SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register

BIRMINGHAM TOWNSHIP

07-Mar-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN GENERAL FUND				
17809	3/7/2016	80	AQUA PENNSYLVANIA	\$2,416.25
17810	3/7/2016	1002091	BBD, LLP	\$5,000.00
17811	3/7/2016	469	BIRMINGHAM TOWNSHIP SEWE	\$659.94
17812	3/7/2016	79	BRANDYWINE VALLEY SPCA	\$150.00
17813	3/7/2016	873	CARDMEMBER SERVICE	\$336.47
17814	3/7/2016	51	CHESTER COUNTY TREASURER	\$185.01
17815	3/7/2016	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
17816	3/7/2016	415	COLLEEN M. PIMER	\$355.00
17817	3/7/2016	1001902	COMCAST CABLE	\$104.85
17818	3/7/2016	775	CONVENIENT CAR CARE CORPO	\$174.65
17819	3/7/2016	1001908	DEBRA GALLEK	\$166.25
17820	3/7/2016	1002011	FRANCOTYP-POSTALIA INC	\$237.00
17821	3/7/2016	2	FREEDOM SYSTEMS	\$1,188.88
17822	3/7/2016	46	GALLS, LLC	\$119.99
17823	3/7/2016	21	H. A. THOMSON	\$6,227.50
17824	3/7/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$490.94
17825	3/7/2016	1002152	MORTON SALT, INC.	\$2,872.97
17826	3/7/2016	178	PAGE EXCAVATING COMPANY,I	\$7,140.00
17827	3/7/2016	171	REILLY & SONS INC.	\$557.91
17828	3/7/2016	75	RJCRAIG GRAPHICS & DESIGN	\$520.00
17829	3/7/2016	811	S & S CLEANING SERVICE	\$471.33
17830	3/7/2016	1001833	STAPLES BUSINESS ADVANTAG	\$256.92
17831	3/7/2016	424	UNITED STATES POSTAL SERVI	\$1,000.00
17832	3/7/2016	278	UNRUH, TURNER, BURKE & FRE	\$1,772.35
17833	3/7/2016	23	VANDEMARK & LYNCH, INC.	\$5,958.20
17834	3/7/2016	1001881	YIS/COWDEN GROUP INC	\$1,254.00
Bank Totals:				\$39,700.41
Total Of Checks:				\$39,700.41

Check Register**BIRMINGHAM TOWNSHIP**

07-Mar-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN SEWER FUND				
8926	3/7/2016	149	AECOM	\$9,599.34
8927	3/7/2016	80	AQUA PENNSYLVANIA	\$1,618.35
8928	3/7/2016	1001859	COYNE CHEMICAL	\$3,975.00
8929	3/7/2016	2	FREEDOM SYSTEMS	\$922.37
8930	3/7/2016	1001963	M & B ENVIRONMENTAL INC	\$5,042.76
8931	3/7/2016	798	PA ONE CALL SYSTEM, INC.	\$19.68
8932	3/7/2016	29	PECO ENERGY	\$276.10
8933	3/7/2016	1002176	SITE SPECIFIC DESIGN, INC.	\$85.00
8934	3/7/2016	574	WASTE MANAGEMENT OF SOUT	\$47.86
8935	3/7/2016	1001834	WM P MCGOVERN INC	\$1,938.00
Bank Totals:				\$23,524.46
Total Of Checks:				\$23,524.46

Check Register**BIRMINGHAM TOWNSHIP**

16-Feb-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN GENERAL FUND				
17784	2/16/2016	11	21ST CENTURY MEDIA - PHILLY	\$340.44
17785	2/16/2016	80	AQUA PENNSYLVANIA	\$2,348.25
17786	2/16/2016	366	BUCKLEY, BRION, MCGUIRE ATTY	\$332.95
17787	2/16/2016	1001994	CLARK HILL PLC	\$3,276.00
17788	2/16/2016	1001908	DEBRA GALLEK	\$142.50
17789	2/16/2016	232	ELYSE/BERBEN INSIGNIA	\$218.50
17790	2/16/2016	466	FIREHOUSE	\$49.95
17791	2/16/2016	114	FRONEFIELD CRAWFORD, JR. LL	\$740.00
17792	2/16/2016	46	GALLS, LLC	\$31.96
17793	2/16/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$423.86
17794	2/16/2016	1002167	JAMES & MARY CONNERS	\$12.79
17795	2/16/2016	1002152	MORTON SALT, INC.	\$1,386.44
17796	2/16/2016	29	PECO ENERGY	\$1,127.53
17797	2/16/2016	30	PECO ENERGY (TRAFFIC LIGHT)	\$69.80
17798	2/16/2016	1001710	PENNSYLVANIA DUI ASSOCIATIO	\$100.00
17799	2/16/2016	171	REILLY & SONS INC.	\$364.62
17800	2/16/2016	811	S & S CLEANING SERVICE	\$378.23
17801	2/16/2016	61	VERIZON 610-793-2600-794	\$324.70
17802	2/16/2016	1002166	WAVEBAND COMMUNICATIONS,	\$192.90
17803	2/16/2016	917	WITMER PUBLIC SAFETY GROU	\$136.49
Bank Totals:				\$11,997.91
Total Of Checks:				\$11,997.91

Check Register

BIRMINGHAM TOWNSHIP

16-Feb-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN SEWER FUND				
8915	2/16/2016	149	AECOM	\$7,664.73
8916	2/16/2016	366	BUCKLEY, BRION, MCGUIRE ATTY	\$51.00
8917	2/16/2016	2	FREEDOM SYSTEMS	\$122.50
8918	2/16/2016	1001963	M & B ENVIRONMENTAL INC	\$4,184.72
8919	2/16/2016	29	PECO ENERGY	\$3,822.66
8920	2/16/2016	164	PENNSYLVANIA ONE CALL SYST	\$13.12
8921	2/16/2016	1002176	SITE SPECIFIC DESIGN, INC.	\$4,514.30
8922	2/16/2016	586	VERIZON 610-399-6923 315	\$90.17
Bank Totals:				\$20,463.20
Total Of Checks:				\$20,463.20

Check Register

BIRMINGHAM TOWNSHIP

29-Feb-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN GENERAL FUND				
17804	3/1/2016	1001926	AJ BLOSENSKI, INC.	\$147.74
17805	3/1/2016	66	CCATO	\$260.00
17806	3/1/2016	1001988	THE STANDARD INSURANCE CO	\$572.30
17807	3/1/2016	1002154	VERIZON 610-4291316 676	\$45.06
17808	3/1/2016	1001913	VERIZON WIRELESS	\$148.73
Bank Totals:				\$1,173.83
Total Of Checks:				\$1,173.83

Check Register

BIRMINGHAM TOWNSHIP

29-Feb-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN SEWER FUND				
8923	2/29/2016	1002016	COURIER SYSTEMS, INC.	\$2.50
8924	2/29/2016	585	EMERGENCY SYSTEMS SERVIC	\$3,383.46
8925	2/29/2016	734	XYLEM WATER SOLUTIONS	\$548.00
Bank Totals:				\$3,933.96
Total Of Checks:				\$3,933.96