

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
FEBRUARY 3, 2020**

OTTO'S CONDITIONAL USE HEARING

A hearing to consider the conditional use application of Otto's Imported Cars, Ltd. was called to order at 6:30 PM in the Township Building. The hearing was transcribed by Court Reporter Cara Fitzpatrick. Otto's BMW automobile dealership, located at 1275 Wilmington Pike, was approved for the use as an automobile dealership. The owner, MLV Family L.P., is seeking to amend the May 16, 2011 Decision to allow 19 two level car racks over top of the existing macadam in the rear of the dealership, which is currently used for 21 employee parking spaces. The hearing was closed at 7:30 PM. A decision will be rendered at the March 2nd meeting.

REGULAR MEETING

The regular meeting of the Board of Supervisors was called to order at 7:36 PM in the Township Building by Chairman Boorse with the customary pledge of allegiance. A quorum of Supervisors was declared.

Scott Boorse	-	Chairman
Michael Shiring	-	Vice-Chairman
J. Daniel Hill	-	Supervisor

Also in attendance was Solicitor Kristin Camp.

Vice-Chairman Shiring moved to approve the January 6, 2020 organizational and regular minutes as written. Supervisor Hill seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment. Supervisor Hill seconded the motion and the bills were unanimously approved. General Fund bills totaled \$91,509.09. Sewer Fund bills totaled \$23,280.77.

2020 ROAD PROGRAM

The 2020 Road Program was duly advertised in the Daily Local News on January 7th and 10th for bids being accepted through PennBid. A pre-construction meeting was held on January 14th with three bidders in attendance. Bids were closed on January 29th and 8 bids were received.

<u>BIDDER</u>	<u>BASE</u>	<u>ALTERNATE</u>	<u>TOTAL</u>
Innovative Construction	\$240,716.50	\$ 5,890.00	\$246,606.50
Advanced Pavement Group	\$247,543.50	\$ 7,182.00	\$254,725.50
Glasgow, Inc.	\$256,827.75	\$ 8,436.00	\$265,263.75
Meco Constructors, Inc.	\$291,200.00	\$ 7,600.00	\$298,800.00
Stephens Excavating, LLC	\$302,526.25	\$ 8,740.00	\$311,266.25
Road-Con, Inc.	\$318,690.00	\$14,440.00	\$333,130.00
DiRocco Bros., Inc.	\$355,231.03	\$25,840.00	\$381,071.03
Construction Masters	\$388,699.75	\$ 6,175.00	\$394,874.75

Innovative Construction Services submitted the low bid. The Township has worked with them for the last five years as the low bidder for the road programs. They are a responsible bidder and have previously demonstrated that they have the experience, personnel and equipment to perform the work.

The 2020 general fund and liquid fuels fund budgets include allocations of \$270,800. for road related work: maintenance; repaving; inlet repair and pavement markings.

Chairman Boorse moved to award the 2020 Road Program, including the Alternate, to Innovative Construction for a total bid price of \$246,606.50. Vice-Chairman Shiring seconded the motion which was unanimously approved.

Jack Simpson, Meetinghouse Road, confirmed with Chief Nelling that the potholes along Meetinghouse Road would be included in the road work.

1230 BIRMINGHAM ROAD HISTORICAL COMMISSION(HC) RECOMMENDATION

At its meeting on January 29th, the HC reviewed and recommended approval of the building permit from Dean Berlon and Paul Redman for the renovation of the second and third floor bathrooms and the laundry room of Historic Resource #16, 1230 Birmingham Road.

Mr. Berlon questioned the need for the HC review for interior work. Solicitor Camp said that she had spoken to the applicant's legal counsel, Denise Yarnoff, about this issue. Section 8A of the HC ordinance identifies alterations as having to come to the HC. The application wasn't complete to the point of the building inspector being able to determine if the work would be considered a structural alteration. The applicant had already sent out public notice to surrounding property owners that the application would be considered at the January 29th meeting instead of waiting for the building inspector's determination. Mr. Berlon did not feel the ordinance was written correctly and that it discourages applicants from seeking permits for repairs. He said he understood that a law suit had been filed because of the ordinance.

Solicitor Camp explained that law suits had been filed on appeals of land development approvals.

Mary DeNadai, Meetinghouse Road, said that architect John Milner had toured the house at 1230 Birmingham Road and had advised the applicant what was or was not historic.

Chairman Boorse moved to approve the Historical Commission component of the building permit application for 1230 Birmingham Road (HR #16). Supervisor Hill seconded the motion. Vice-Chairman Shiring recused himself from voting as the applicant's legal counsel, Denise Yarnoff, is a partner at his firm, Riley, Riper. The motion was carried with two in favor and one abstention.

AUTHORIZE EXECUTION OF TRAIL EASEMENT WITH BRANDYWINE CONSERVANCY FOR 1050 MEETINGHOUSE ROAD

The Brandywine Conservancy has requested that the Supervisors execute an amendment to the Birmingham Hill trail easement to include the additional 13.618 acre O'Dell house property at

1050 Meetinghouse Road. The vote had been deferred until tonight's meeting in order to get some clarification from the Township Solicitor. The previous easement has been cleaned up and edited because of different signers. The Supervisors had questioned the requirement for general liability insurance with a limit of not less than \$1,000,000. per occurrence for bodily injury and property damage. Solicitor Camp said that this requirement has not changed from the prior document executed and it is only needed if the Township is actually doing work on the easement.

Vice-Chairman Shiring moved to approve the amended and restated trail easement agreement with the Brandywine Conservancy for the Birmingham Hill trail easement to include the additional 1050 Meetinghouse Road property. Supervisor Hill seconded the motion which was unanimously approved.

Supervisor Hill said that the easement enables the Birmingham Hill trail to extend along the southern side of Meetinghouse Road without the trail having to cross back and forth across the road.

PLANNING COMMISSION MEMBER APPOINTMENT

Chairman Boorse moved to appoint Dave Shields, Heartsease Drive, to the Planning Commission (PC) for a term ending in 2023. Vice-Chairman Shiring seconded the motion and the appointment was unanimously approved. Dave Shields resigned his position on the Recreation, Park, and Open Space Committee to join the PC.

TREASURER'S REPORT

Sect./Treas. Nelling reported for the year ending 2019. The books have been closed and financials given to the Supervisors. BBD, LLP is at the Township Office for the week auditing the books. The Township's insurance carrier will be auditing workers' compensation next week.

General Fund Carry Forward - \$884,300.

<u>Revenues</u>	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Total	\$2,272,505.	\$2,365,954.	104
Property Taxes	\$ 755,000.	\$ 730,615.	97
Transfer Tax	\$ 160,000.	\$ 195,765.	122
Building Permits	\$ 50,000.	\$ 57,676.	115
 <u>Expenditures</u>	 <u>Budget</u>	 <u>Actual</u>	 <u>%</u>
Total	\$1,637,361.	\$1,481,655.	90.5
Police	\$ 715,695.	\$ 658,480.	92
Legal	\$ 20,000.	\$ 20,159.	101
Zoning Hearing Board	\$ 15,000.	\$ 14,310.	95
Engineering	\$ 38,000.	\$ 37,516.	99
NPDES	\$ 27,500.	\$ 3,797.	14
Snow Removal	\$ 130,000.	\$ 95,044.	73
Inlets	\$ 10,000.	\$ 16,745.	167
Tree Removal	\$ 3,500.	\$ 13,300.	380

Sewer Fund Carry Forward - \$451,800.

There was \$138,975. in the Sewer Fund Capital Reserve and \$77,597. was spent in 2019 with an estimated \$60,000. needed for 2020 for manhole linings. The contribution to the capital reserve annually is only \$43,974. The balance in the capital reserve had previously been deleted for the nitrogen removal upgrade project.

<u>Revenues</u>	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Total	\$799,001.	\$831,768.	104
Expenditures	\$400,671.	\$518,942.	130
PA One Call	\$ 8,000.	\$ 20,363.	255
Maintenance	\$ 20,000.	\$112,063.	560
Engineering	\$ 20,000.	\$ 70,183.	351

PUBLIC COMMENT

Mary DeNadia, Meetinghouse Road, read a letter to the Board that had been sent to the Township on July 1, 2019, from which she had not received a response. She had been a volunteer on a task force for the HC. The task force worked from 2015 through 2017 updating the HC Inventory Resources. Recommendations were made to the permitting process but no action has been taken after all the work that was done by the task force.

Chairman Boorse responded that the Supervisors have reviewed all the work done by the task force and the Board has had extensive discussions on Article 8A of the HC ordinance. The Board has not been in total agreement but is closer to an end result. Because of the land use appeal law suits the Township is in a holding pattern on action on the HC recommendations because of possible perception that changes might be made because of the law suit. The Board also does not want to do piece meal changes and they want to get it right so it doesn't have to be changed again. Personally, Chairman Boorse felt it was ridiculous for internal repairs to have to come before the HC and the Supervisors for approval and it is an undue hardship on the applicant. However, he wants to ensure that the Historical Resources are protected.

Mary DeNadai said that there are two new homes being constructed along Meetinghouse Road, including a 7,000 sq. ft. house at 1178 Meetinghouse. The changes proposed by the task force addressed guidelines for an historic district overlay. She felt that the delay of the recommended changes to the HC ordinance had compromised the architectural integrity of the area.

Kate Marshall, Meetinghouse Road, said she was a member of the HC when the committee worked on the historic resource inventory. The task force was well aware of the open lots on Meetinghouse Road and the sense of urgency to get the recommendation completed to protect these lots and she didn't understand why action couldn't have been taken sooner.

Dean Berlon suggested incremental changes to the ordinance to move the process along and that the Township shouldn't be immobilized because of law suits.

It was explained by the Board members that they wanted to get the ordinance right before making changes and that the ordinance was burdensome. There are more items to address and items that are still not resolved.

Solicitor Camp felt confident that there would be resolutions to the law suits within the next few months. Dean Berlon asked that future minutes reflect the status of the law suits.

Mr. Simpson said that the banks on both sides of Meetinghouse Road need to be mowed and sticks have blown into the road. Chief Nelling said that the road banks are mowed three times a year by the Township. He will check the road condition.

The meeting was adjourned at 8:24 PM. (MTS:SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

03-Feb-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20274	2/3/2020	11	21ST CENTURY MEDIA - PHILLY	\$339.00
20275	2/3/2020	43	A & D ELECTRIC INC.	\$240.00
20276	2/3/2020	1001926	AJ BLOSENSKI, INC.	\$165.83
20277	2/3/2020	80	AQUA PENNSYLVANIA	\$110.82
20278	2/3/2020	5	BOROUGH OF WEST CHESTER,	\$19,888.50
20279	2/3/2020	79	BRANDYWINE VALLEY SPCA	\$1,639.09
20280	2/3/2020	873	CARDMEMBER SERVICE	\$1,213.10
20281	2/3/2020	153	CHESTER COUNTY POLICE CHIE	\$150.00
20282	2/3/2020	1002121	CLEVENS K-9 SCOOP LLC	\$152.00
20283	2/3/2020	1001902	COMCAST CABLE	\$108.35
20284	2/3/2020	1002258	EASTERN SALT COMPANY INC	\$1,452.89
20285	2/3/2020	2	FREEDOM SYSTEMS	\$1,206.75
20286	2/3/2020	46	GALLS, LLC	\$103.86
20287	2/3/2020	1001944	GOSHEN SIGNS	\$112.00
20288	2/3/2020	780	GUMBALL MEDIA,LLC\LAND ART	\$1,558.50
20289	2/3/2020	422	HARRY TILLMAN AUTOMOTIVE L	\$1,342.38
20290	2/3/2020	517	INDEPENDENCE BLUE CROSS	\$5,247.20
20291	2/3/2020	83	INTERNATIONAL CODE COUNCIL	\$135.00
20292	2/3/2020	1001910	NEW HOLLAND FORD ISUZU	\$34,662.00
20293	2/3/2020	1002573	NMS LABS	\$1,310.00
20294	2/3/2020	178	PAGE EXCAVATING COMPANY,IN	\$2,955.00
20295	2/3/2020	171	REILLY & SONS INC.	\$823.61
20296	2/3/2020	75	RJCRAIG GRAPHICS & DESIGN	\$410.05
20297	2/3/2020	507	ROTHWELL DOCUMENT SOLUTI	\$203.05
20298	2/3/2020	1001833	STAPLES BUSINESS ADVANTAG	\$61.45
20299	2/3/2020	23	VANDEMARK & LYNCH, INC.	\$5,533.83
20300	2/3/2020	61	VERIZON 753-804-167-0001-77	\$355.66
20301	2/3/2020	311	WILLIAMSON LAW BOOK CO	\$187.52
20302	2/3/2020	917	WITMER PUBLIC SAFETY GROUP	\$63.57
20303	2/3/2020	1001881	YIS/COWDEN GROUP INC	\$2,651.25
Bank Totals:				\$84,382.26
Total Of Checks:				\$84,382.26

Check Register**BIRMINGHAM TOWNSHIP**

03-Feb-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9971	2/3/2020	1002509	AQUA PA WW	\$1,293.71
9972	2/3/2020	80	AQUA PENNSYLVANIA	\$1,459.82
9973	2/3/2020	1001859	COYNE CHEMICAL	\$2,455.00
9974	2/3/2020	2	FREEDOM SYSTEMS	\$1,039.50
9975	2/3/2020	780	GUMBALL MEDIA,LLC\LAND ART	\$2,270.00
9976	2/3/2020	1002493	VERIZON 350-442-985-0001-57	\$38.74
9977	2/3/2020	1002401	WALTON WATER SERVICES	\$7,203.16
9978	2/3/2020	574	WASTE MANAGEMENT OF SOUT	\$89.52
9979	2/3/2020	1001834	WM P MCGOVERN INC	\$2,825.00
Bank Totals:				\$18,674.45
Total Of Checks:				\$18,674.45

Check Register

BIRMINGHAM TOWNSHIP

27-Jan-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20271	1/27/2020	1002011	FRANCOTYP-POSTALIA INC	\$50.00
20272	1/27/2020	1002154	VERIZON 250-441-074-0001-11	\$55.11
20273	1/27/2020	1001913	VERIZON WIRELESS 722423083	\$189.96
Bank Totals:				\$295.07
Total Of Checks:				\$295.07

Check Register

BIRMINGHAM TOWNSHIP

27-Jan-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9969	1/27/2020	1002509	AQUA PA WW	\$292.79
9970	1/27/2020	1002591	CITY LINE ABSTACT COMPANY	\$5.00
Bank Totals:				\$297.79
Total Of Checks:				\$297.79

Check Register**BIRMINGHAM TOWNSHIP**

13-Jan-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20257	1/13/2020	11	21ST CENTURY MEDIA - PHILLY	\$148.78
20258	1/13/2020	80	AQUA PENNSYLVANIA	\$2,404.98
20259	1/13/2020	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,094.20
20260	1/13/2020	383	CCSIGA	\$55.00
20261	1/13/2020	775	CONVENIENT CAR CARE CORPO	\$179.70
20262	1/13/2020	560	DRUGSCAN, INC.	\$168.00
20263	1/13/2020	232	ELYSE/BERBEN INSIGNIA	\$172.00
20264	1/13/2020	2	FREEDOM SYSTEMS	\$168.50
20265	1/13/2020	422	HARRY TILLMAN AUTOMOTIVE L	\$89.97
20266	1/13/2020	205	PARKWAY DRY CLEANERS, INC.	\$190.67
20267	1/13/2020	29	PECO ENERGY	\$730.44
20268	1/13/2020	30	PECO ENERGY (TRAFFIC LIGHT)	\$63.47
20269	1/13/2020	171	REILLY & SONS INC.	\$866.05
20270	1/13/2020	278	UNRUH, TURNER, BURKE & FRE	\$500.00
Bank Totals:				\$6,831.76
Total Of Checks:				\$6,831.76

Check Register

BIRMINGHAM TOWNSHIP

13-Jan-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9964	1/13/2020	149	AECOM	\$981.64
9965	1/13/2020	1002424	M & S SERVICE COMPANY INC	\$385.00
9966	1/13/2020	29	PECO ENERGY	\$2,864.50
9967	1/13/2020	164	PENNSYLVANIA ONE CALL SYST	\$14.25
9968	1/13/2020	586	VERIZON 450-748-892-0001-25	\$63.14
Bank Totals:				\$4,308.53
Total Of Checks:				\$4,308.53