

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
JUNE 1, 2020**

The regular meeting of the Board of Supervisors was called to order @ 7:42 PM in the Township Building by Chairman Boorse via a recorded virtual meeting through Zoom in order to practice safe distancing during the COVID-19 crisis. The Zoom link posted for the meeting on the website was not available. Chairman Boorse created a new link for the meeting. Also in attendance at the building were Chief Thomas Nelling and Secretary/Treasurer Nelling. Joining the meeting in virtual mode were Vice-Chairman Michael Shiring; Supervisor J. Daniel Hill; Township Solicitor Kristin Camp and Resident Greg Cutrona of Yorkshire Way. A quorum of Supervisors was declared.

Chairman Boorse stated that the meeting was being recorded and would be available on the Township's web site.

Vice-Chairman Shiring moved to approve the May 4<sup>th</sup> minutes as written. Supervisor Hill seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills paid since the May 4<sup>th</sup> meeting. Supervisor Hill seconded the motion and the bills were unanimously approved. General Fund bills totaled \$30,717.27. Sewer Fund bills totaled \$53,671.69.

**2020 ROAD PROGRAM UPDATE**

Chief Nelling reported that the 2020 Road Program is 75% complete. The Township Engineer, Lisa Donlon, with VanDemark & Lynch, Inc., has estimated that the road program will come in approximately \$3,000.00 less than approved. A drainage box on Revolutionary Drive was eliminated from the program. Approximately 40% of Firethorne Drive was not milled and overlaid as planned as the Township Engineer was notified by Aqua, PA that they would be tearing up the road for the installation of a stormwater drain, so the portion of the road where Aqua will be installing the pipe was not milled and overlaid and that work will be pushed out until after Aqua has finished the pipe installation. The extra material from Firethorne was moved over to Meetinghouse Road. A complaint was received about a sink hole behind 804 Paine Drive in Birmingham Hunt which will be added to the road program at a cost of \$4,500.00.

**NEXT STEPS DUE TO COVID-19**

On March 16<sup>th</sup> the Township issued a seven day Declaration of Disaster Emergency due to the State of Emergency from the Coronavirus COVID-19 threat to injury, damage and suffering to persons and property of the Township and the entirety of Chester County. The Disaster Emergency was extended another seven days on March 23<sup>rd</sup> and again on April 6<sup>th</sup> until May 4<sup>th</sup>.

On May 4<sup>th</sup> the Supervisors adopted Resolution #2020-0504A to ratify the Declaration of Disaster Emergencies dated March 16<sup>th</sup> and March 23<sup>rd</sup>, to extend the March 23<sup>rd</sup> Declaration of Disaster Emergency until the next Township meeting scheduled for June 1<sup>st</sup>, and to adopt procedures and policies for conducting public meetings during such state of emergency.

Chairman Boorse moved to extend the Emergency Declaration until the next Township meeting scheduled for July 6<sup>th</sup>. Vice-Chairman Shiring seconded the motion which was unanimously approved.

As Governor Wolf has moved Chester County to the “yellow phase” for re-opening, Chairman Boorse stated that the Township Office Staff can return to work in the office as dictated by the work load requirements, but the Township Office will continue to be closed to the public.

### **TOWNSHIP SEWER ENGINEER**

The Township’s Sewer Engineer, Sandi Morgan with AECOM, notified the Township last year of her retirement plans this year. The Township has received three proposals from potential replacements. A virtual interview was held with ARRO Consulting, Inc. for the position.

Vice-Chairman Shiring moved to enter into a professional services agreement with ARRO Consulting, Inc. as the Township Sewer Engineer with an anticipated transition period from AECOM over the next 30 days. Chairman Boorse seconded the motion and added to the motion that the accepted agreement was as edited by the Township Solicitor. The amended motion was approved with all in favor.

Chairman Boorse will coordinate a meeting for the transition.

Solicitor Camp suggested that Sandi Morgan be retained as a private consultant, as needed, for her historical knowledge on the sewer plant.

### **AUTHORIZE ADVERTISING TO RE-STATE EXISTING PENSION ORDINANCES PER IRS REQUIREMENTS**

Secretary/Treasurer Nelling was contacted by Joshua Vecchio, Counsel for the Township’s Pension Plans with the Pennsylvania Municipal Retirement System. IRS guidelines require that the pension plans be updated and re-stated every six years through the adoption of an ordinance and the execution of defined benefit adoption agreements.

Chairman Boorse moved to authorize advertising on the pension ordinances for the police and non-uniform plans for the July 6<sup>th</sup> township meeting. Vice-Chairman Shiring seconded the motion which was unanimously approved.

Solicitor Camp will prepare the required advertisement for the ordinance.

### **SEWER COMPLAINTS**

Due to the wear and tear of many of the components of the Township’s sewer plant which is now over 20 years old, and the associated repairs, the sewer rent was increased for the 1<sup>st</sup> quarter of 2020 from \$153.00/edu to \$165.00/edu, which was effective with the April 1, 2020 billing. The Township received less than a dozen complaints regarding the increase, mostly with the delinquent billing rather than the rate increase.

Chairman Boorse explained that the Township sewer plant is not operated by a sewer authority but by ordinance from the Board of Supervisors. After 30 days of non-payment there is a 10%

penalty and 1% interest added to the sewer bill. Due to Covid-19 the delinquent notices were not mailed until May 11<sup>th</sup> which gave the residents an additional 11 days to pay their bill without penalty or interest added.

Greg Cutrona, Yorkshire Way Resident, asked the Board to waive the \$20.76 late fees and penalties that have been accruing on his account. Sect./Treas. Nelling said that Mr. Cutrona did not pay his October 1<sup>st</sup> bill of \$153.00 until November 18<sup>th</sup> so he was charged a penalty and interest on November 7<sup>th</sup> when delinquent notices were mailed. Mr. Cutrona was current on his payments prior to and subsequent to the one late payment in November but penalties and interest have been accruing on the unpaid penalties and interest.

Mr. Cutrona acknowledged he had made one late payment and says he pays through automatic banking.

Vice-Chairman Shiring thanked Mr. Cutrona for taking the time to join the meeting and understand the process and he moved to waive the \$20.76 penalty and interest on Mr. Cutrona's sewer bill. Chairman Boorse seconded the motion which was unanimously approved.

Mr. Cutrona thanked the Board for their service and the consideration to waive his sewer bill fees.

Secretary/Treasurer Nelling said that there were half a dozen residents who paid the old sewer rate of \$153.00 instead of the new rate of \$165.00. Penalty and interest have been added to the \$12.00 balance. She suggested that she write those residents a letter explaining that they still owe the \$12.00 and that the penalty and interest would be written off if the balance was paid.

Vice-Chairman Shiring moved to waive the penalties and interest on the sewer bills for the residents that paid the old sewer rent amount of \$153.00. Chairman Boorse seconded the motion and amended it to state that the letters should notify the residents of a time frame to pay the balance due to have the penalty and interest eliminated. The amended motion was approved with all in favor.

Secretary/Treasurer Nelling will send out letters requesting payment by June 30<sup>th</sup>, prior to the next billing on July 1<sup>st</sup>.

### **OTHER BUSINESS**

The Township is in receipt of an undated letter from Vincent Pompo, Esq. of Lamb/McErlane, indicating that an unidentified property owner is working on conservation easements with the Brandywine Conservancy on their two properties, one on Birmingham Road and the other on Meetinghouse Road. Mr. Pompo had two requests of the Board.

First, the conservation easement will prohibit further subdivision. The property owner is requesting that they not have to go through the process of a reverse subdivision. Secondly, they requested funding from the Township for the conservation easement.

Solicitor Camp has talked with Mr. Pompo who identified the property as Linden Farm. Mrs. Camp explained to Mr. Pompo that the Township does not have an open space fund to contribute to such a request and that there are no funds in the current budget.

Chairman Boorse felt that the Township was not in need to financially protect open space as much of the Township is already eased or built out. He felt that the landowner should provide more transparency and identify the properties before the Board considered any requests regarding the reverse subdivision.

Vice-Chairman Shiring said that he will call Mr. Pompo and explain that it is not typical for the Township to fund such a request and to provide a written letter with more specifics on the proposals.

The meeting was adjourned at 8:30 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

**Check Register****BIRMINGHAM TOWNSHIP**

07-Jul-20

From: 05-May-20 To: 01-Jun-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 11 TRUMARK GENERAL FUND</b>					
20434	5/11/2020	1002617	MARK OR MARGARET MARI	\$20.00	O
20435	5/18/2020	80	AQUA PENNSYLVANIA	\$2,404.98	O
20436	5/18/2020	617	CHESTER WATER AUTHORI	\$653.40	O
20437	5/18/2020	775	CONVENIENT CAR CARE C	\$209.65	O
20438	5/18/2020	560	DRUGSCAN, INC.	\$168.00	O
20439	5/18/2020	422	HARRY TILLMAN AUTOMOTI	\$147.99	O
20440	5/18/2020	517	INDEPENDENCE BLUE CRO	\$5,247.20	O
20441	5/18/2020	178	PAGE EXCAVATING COMPA	\$555.00	O
20442	5/18/2020	30	PECO ENERGY (TRAFFIC LI	\$63.58	O
20443	5/18/2020	171	REILLY & SONS INC.	\$320.52	O
20444	5/18/2020	811	S & S CLEANING SERVICE	\$388.00	O
20445	5/18/2020	1002154	VERIZON 250-441-074-0001-	\$54.10	O
20446	5/18/2020	1001881	YIS/COWDEN GROUP INC	\$520.00	O
20447	6/1/2020	1001926	AJ BLOSENSKI, INC.	\$165.83	O
20448	6/1/2020	80	AQUA PENNSYLVANIA	\$277.10	O
20449	6/1/2020	366	BUCKLEY,BRION,MCGUIRE	\$3,017.55	O
20450	6/1/2020	873	CARDMEMBER SERVICE	\$271.43	O
20451	6/1/2020	1001902	COMCAST CABLE	\$138.39	O
20452	6/1/2020	775	CONVENIENT CAR CARE C	\$119.80	O
20453	6/1/2020	1002369	CROWN TROPHY	\$24.00	O
20454	6/1/2020	1002606	CRYSTAL SPRINGS	\$24.84	O
20455	6/1/2020	585	EMERGENCY SYSTEMS SE	\$813.45	O
20456	6/1/2020	1002011	FRANCOTYP-POSTALIA INC	\$237.00	O
20457	6/1/2020	114	FRONEFIELD CRAWFORD. J	\$307.50	O
20458	6/1/2020	1001930	FRY COMMUNICATIONS, IN	\$87.00	O
20459	6/1/2020	780	GUMBALL MEDIA,LLC\LAND	\$3,290.00	O
20460	6/1/2020	1001755	MAJIC LANDSCAPES	\$1,744.00	O
20461	6/1/2020	1002623	MELAVA WINDOWS	\$1,860.00	O
20462	6/1/2020	542	TRITECH SOFTWARE SYST	\$2,232.00	O
20463	6/1/2020	15	METROPOLITAN COMMUNI	\$884.95	O
20464	6/1/2020	1002053	MICHAEL J HOCHHAUS	\$250.00	O
20465	6/1/2020	953	PA DUI ASSOCIATION	\$75.00	O
20466	6/1/2020	3	PA TWP HEALTH INS COOP	\$1,347.36	O
20467	6/1/2020	171	REILLY & SONS INC.	\$411.37	O
20468	6/1/2020	1002085	SCOTT C BOORSE	\$30.00	O
20469	6/1/2020	1001833	STAPLES BUSINESS ADVAN	\$970.60	O
20470	6/1/2020	1001924	ULINE	\$101.35	O
20471	6/1/2020	23	VANDEMARK & LYNCH, INC.	\$944.77	O

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07-Jul-20

From: 05-May-20 To: 01-Jun-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
20472	6/1/2020	1001913	VERIZON WIRELESS 722423	\$189.57	O
20473	6/1/2020	917	WITMER PUBLIC SAFETY G	\$149.99	O
<b>Bank Total:</b>				<b>\$30,717.27</b>	
<b>Bank Account: 81 TRUMARK SEWER FUND</b>					
10034	5/18/2020	164	PENNSYLVANIA ONE CALL	\$16.10	O
10035	5/18/2020	586	VERIZON 450-748-892-0001-	\$59.79	O
10036	5/18/2020	1001834	WM P MCGOVERN INC	\$1,107.00	O
10037	6/1/2020	149	AECOM	\$480.78	O
10038	6/1/2020	1002509	AQUA PA WW	\$1,293.71	O
10039	6/1/2020	80	AQUA PENNSYLVANIA	\$1,436.67	O
10040	6/1/2020	366	BUCKLEY,BRION,MCGUIRE	\$137.55	O
10041	6/1/2020	1001859	COYNE CHEMICAL	\$3,952.00	O
10042	6/1/2020	585	EMERGENCY SYSTEMS SE	\$1,488.24	O
10043	6/1/2020	780	GUMBALL MEDIA,LLC\LAND	\$800.00	O
10044	6/1/2020	1002424	M & S SERVICE COMPANY I	\$32,931.00	O
10045	6/1/2020	1001755	MAJIC LANDSCAPES	\$468.00	O
10046	6/1/2020	1002493	VERIZON 350-442-985-0001-	\$39.17	O
10047	6/1/2020	1002401	WALTON WATER SERVICES	\$7,384.93	O
10048	6/1/2020	574	WASTE MANAGEMENT OF S	\$215.75	O
10049	6/1/2020	821	WILLIAM J KIRKPATRICK	\$250.00	O
10050	6/1/2020	1001834	WM P MCGOVERN INC	\$1,611.00	O
<b>Bank Total:</b>				<b>\$53,671.69</b>	
<b>Total Of Checks:</b>				<b>\$84,388.96</b>	