

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
NOVEMBER 2, 2020**

The regular meeting of the Board of Supervisors was called to order at 7:33 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. Also in attendance at the building were Chief Thomas Nelling and Secretary/Treasurer Quina Nelling. Joining the meeting in virtual mode were Vice-Chairman Michael Shiring; Supervisor J. Daniel Hill; Township Solicitor Kristin Camp; RPOS Chairperson Anne Siemer; Historical Commission Chairman Michael Forbes; Editor of Chadds Ford Live, Richard Schwartzman; Charles Brogan IV, Director of Operations with Good Fellowship Ambulance; and Robert Nonemaker, Landscape Architect.

Vice-Chairman Shiring made two corrections to the October 5, 2020 minutes. On page 2, Discussion of Setback and Solar Energy Ordinance provisions, second paragraph, third sentence, “amended so the setback measurement is consistent” replaced “changed to the middle of the street” at the end of the sentence. On page 4, Next Steps Due to COVID 19, third paragraph, last sentence, “in person” was added before “meetings”. Supervisor Hill moved to approve the October 5th minutes as amended by Vice-Chairman Shiring. Vice-Chairman Shiring seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment from October 6th – November 2nd. General Fund bills totaled \$107,362.49. Sewer Fund bills totaled \$25,092.63. Supervisor Hill seconded the motion and the bills were unanimously approved.

GOOD FELLOWSHIP AMBULANCE BUDGET REQUEST

Director of Operations for Good Fellowship Ambulance Service, Charles Brogan IV, had presented the Township with a 2021 municipal funding proposal request for budget purposes. Good Fellowship’s projected revenues are lower than budgeted, partially due to COVID-19. However, call volume is also down about 5%. Good Fellowship services ten municipalities and responded to sixty calls in 2020 in Birmingham Township.

Mr. Brogan explained that Good Fellowship is very transparent in its finances. Operating costs have been reduced by outsourcing billing. The annual shortfall after insurance payments and service billing is about \$700,000. Good Fellowship is making up half of the short-fall through fund raising; grants and donations. A request for contributions for the other half of the shortfall is being requested from the other municipalities and is based on a funding formula using call volume and population. Good Fellowship services the residents in Birmingham Township that live on Rt. 926 and north of Rt. 926, which they estimate to be about 30% of the Township’s population or 1,328. Assessed valuation is not used as in the funding calculation as is used by the Borough of West Chester for fire protection funding.

Good Fellowship is requesting a 2.32% contribution from Birmingham, which is \$6,046.78 of the \$285,000. requested from the ten municipalities for basic and advanced life support service. An additional \$53,000. is being requested for advanced life support service from three municipalities; East Goshen; West Goshen and Westtown Townships.

In response to Sect./Treas. Nelling, Mr. Brogan said that they have not received full support from all the municipalities served and that East Bradford Township has indicated that they will not be able to give the total share requested from them because of budgetary constraints. Mr. Brogan said that Good Fellowship is looking into entering into a five year contract with the municipalities, similar to the contract with the Borough for fire protection, which seems to be of interest to the municipalities for budget purposes.

Chairman Boorse thanked Mr. Brogan for his time in explaining the formula for the requested contribution so the Board could better understand Good Fellowship's budget; shortfall and weighted average formula and he expressed appreciation for the transparency in the numbers provided by Good Fellowship.

RECREATION, PARK & OPEN SPACE (RPOS) SIGNAGE FOR SANDY HOLLOW PARK

RPOS Chairperson Anne Siemer requested approval from the Board to replace the rules and regulations signage at the entranceway to Sandy Hollow Park. The existing sign has deteriorated and is unreadable. RPOS is proposing an historical type designed sign from Pannier which would match the existing signage at the Park. There is also the possibility of refurbishing the existing sign. The frame for the sign will cost \$675.; the panel \$600. and \$125. for shipping. Chairperson Siemer said that she is projecting \$617. remaining in the Sandy Hollow budget for 2020 and \$678. in the Birmingham Hill budget. RPOS is proposing to pay for ½ of the sign in 2020 and ½ in 2021 for budget purposes.

Chairman Boorse was in favor of approving the sign for the 2020 budget since there are funds remaining for both parks and in a desire to not divide up the project. The Board agreed. Chairperson Siemer will proceed with work on the sign design and wording for approval by the Board so payment can be made in 2020.

Chairperson Siemer said that the rules and regulation signage for Birmingham Hill also needs to be replaced but RPOS is waiting for the Brandywine Conservancy to firm up its plans for the property. In the meantime, RPOS is proposing that the sign be laminated which will cost between \$200. - \$300. The Board felt RPOS should hold off on this project until more information was received from the Brandywine Conservancy on its plans.

HARB REPORT

1022 LAMBOURNE ROAD/SATTERTHWAITE

At its meeting on October 20th, HARB recommended that a Certificate of Appropriateness be issued to Frank and Janet Satterthwaite for the installation of an in ground swimming pool; spa and deck at their home located at 1022 Lambourne Road. The pool, spa, and deck will be to the right of the backyard patio and not visible from the road. It will have a two inch thermal coping surrounded by a brick wall and a white vinyl fence. HARB reviewed the application and determined that it is in compliance with the HARB guidelines. Landscape Architect Robert Nonemaker was participating virtually representing the applicants.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for 1022 Lambourne Road as recommended by HARB. Supervisor Hill seconded the motion which was unanimously approved.

HARB DISTRICT BOUNDARY FOR 465 CRESCENT DRIVE

Chairman Boorse explained that the homeowner of 465 Crescent Drive, Lisa Hammond, had submitted a building permit application to the Township for a deck replacement. She had been told that the application would have to be reviewed by HARB. Ms. Hammond questioned the requirement because the corner of her property only, not where the house is located, is shown as being in the HARB district in the plot plan map for her property.

The Township HARB district overlay map; the Township Official Map; the HARB boundary Comprehensive Plan/Historical Resources Plan map; the subdivision plan; and property files have been reviewed extensively by the Township Solicitor's Office as well as Cat Rafter in the Township Office. The Pennsylvania Historic and Museum Commission (PHMC) was also contacted for input. It appears that there is a discrepancy in the maps between the 300' and 500' boundary for the HARB district. One map also had a typo showing two 300' boundary lines in the legend and no 500' boundary line.

Solicitor Camp opined that because of the map ambiguity, the legal interpretation would be to allow the homeowner the least restrictive use of their land. The property owner would not be required to have HARB review of the deck replacement if the boundary line is 300'. Also, due to landscaping installed on the property, if a Certificate of Approval by HARB was needed, the deck is not visible from Birmingham Road so there would be no one harmed by not requiring HARB approval.

Vice-Chairman Shiring noted that this was not a new deck. It was a treated wood deck being replaced with a better weathering Trex composite deck product.

Vice-Chairman Shiring moved to adhere to the Township Solicitor's advice and not require HARB approval for the deck replacement at 465 Crescent Drive given the ambiguity of the HARB map boundary to this particular property and as the least restrictive requirement from the ambiguity is given to the property owner. The 300' HARB boundary is least restrictive and the deck is outside of the 300'. The deck is also being replaced with a better weathering product and the deck can't be seen from the road. Supervisor Hill seconded the motion which was unanimously approved.

AUTHORIZE ADVERTISING

TELECOMMUNICATIONS AND SETBACK & SOLAR ENERGY ORDINANCE HEARING

At its meeting on October 13th, the Planning Commission recommended proposed changes by the Supervisors to the Setback and Solar Energy Ordinance. The setback provisions for accessory structures are now uniform for all zoning districts. At its meeting, the Planning Commission also recommended adoption of updates to the Wireless Communication Facility Ordinance by amending the Zoning Ordinance and establishing a new standalone chapter in the Code Book for small wireless facilities.

Chairman Boorse moved to authorize advertising for a hearing on the ordinance proposals for December 7th @ 7:30 PM. Vice-Chairman Shiring seconded the motion which was unanimously approved.

2021 PRELIMINARY BUDGET

The Supervisors met on October 12th for a work session on the 2021 budget. Sect./Treas. Nelling has made adjustments to the budget from the work session.

2021 General Fund Revenues - \$2,162,748. (Includes a Carry Forward of \$828,348.)

2021 General Fund Expenditures - \$1,662,322. (Police Dept. Budget is \$664,337.)

2022 General Fund Carry Forward - \$500,426.

2021 Millage Rate remains constant @ 1.6 mills

2021 Sewer Fund Revenues - \$752,597. (Includes a Carry Forward of \$323,477.)

2021 Sewer Fund Expenditures - \$471,599.

2022 Sewer Fund Carry Forward - \$280,998.

2021 Sewer Rent remains constant @ \$165./edu/quarter

The Township was notified that Liquid Fuels funds for 2021 for road repairs is approximately \$149,000.

Discussion ensued on including a donation to Good Fellowship Ambulance in the 2021 budget.

Chairman Boorse moved to authorize advertising on the 2021 Preliminary Budget for Final Adoption at the December 7th meeting and to amend the preliminary budget to include a donation to Good Fellowship Ambulance of \$6,046.78. Supervisor Hill seconded the motion which was unanimously approved.

NEXT STEPS DUE TO COVID-19

On March 16th 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 23rd and again on April 6th, until May 4th.

On May 4th the Supervisors adopted Resolution #2020-0504A to ratify the Declaration of Disaster Emergencies dated March 16th and March 23rd; to extend the March 23rd Declaration of Disaster Emergency and to adopt procedures and policies for conducting public meetings during such state of emergency.

The Township Office has been closed to the public and the office has been operating fine with the building closed. All business is able to be handled normally. All committee meetings have resumed virtually. The Board felt no pressure to re-open the building to the public and with the small size of the meeting room they felt it would be difficult to maintain six foot social distancing. The Board felt that the virtual meeting options through Zoom had been working well. With the disaster emergency declared through November 29th by Governor Wolf, and the number of coronavirus cases increasing, the Board did not feel inclined to rush to open the

building to the public or to have in person meetings with the public and agreed to maintain status quo with the Declaration of Disaster Emergency until 2021.

PUBLIC COMMENT

BRANDYWINE BATTLEFIELD INTERPRETATION PLAN

Michael Forbes, Historical Commission Chairman, was present to hopefully discuss the Brandywine Battlefield Interpretation Plan since he hadn't requested that the item be included on tonight's agenda.

A joint meeting was held on September 28th with representatives from the Historical Commission; the Planning Commission; the Board of Supervisors and the Brandywine Battlefield Interpretation Plan Advisory Committee. The purpose of the meeting was to identify a site for a Heritage Center in the Township. The site chosen by the committee was the Dilworthtown Inn complex in the Dilworthtown Commercial Historic District. This would be similar to the site in the Marshallton Historic District at the Four Dogs Tavern. Other sites discussed were the Spackman Farm; the Dilworth Farm; and Birmingham Hill.

The Heritage Center would be a small building manned by volunteers for a few hours on the weekends. The Center would provide a deeper understanding of the Battle of Brandywine with maps and event locations identified.

Chairman Boorse asked if the owner of the Dilworthtown Inn properties had been approached about the concept. Vice-Chairman Shiring and PC Member Brendan Murphy have plans to reach out to the owner. At this time the idea is in the broad planning stage. Chairman Boorse thought there should be a back-up location identified in case the Dilworthtown Inn property location for the Heritage Center is not a viable option.

Interpretative site locations were also discussed at the work session. The sites would have to have a known and historically significant involvement in the Battle and be easily accessible to the public. Suggested sites are Sandy Hollow Park; Birmingham Hill for the Line of Battle; Friends Meeting House; and the Dilworthtown Historic District.

HC Chairman Forbes was looking for conditional approval for the proposal from the Board.

The Board concurred that proceeding with a Heritage Center and Interpretative Sites conditioned on private property rights was appropriate. Chairman Boorse was hesitant to take official action without input from the owner of the Dilworthtown Inn and the fact that this was not a scheduled agenda item for public input.

The meeting was adjourned at 8:47 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

08-Oct-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20653	10/8/2020	80	AQUA PENNSYLVANIA	\$1,879.53
20654	10/8/2020	849	BATTAVIO/B&F SERVICE CO.	\$160.00
20655	10/8/2020	1002121	CLEVENS K-9 SCOOP LLC	\$235.00
20656	10/8/2020	775	CONVENIENT CAR CARE CORPO	\$179.70
20657	10/8/2020	30	PECO ENERGY (TRAFFIC LIGHT)	\$63.43
20658	10/8/2020	171	REILLY & SONS INC.	\$384.08
20659	10/8/2020	1001900	ROBERT CLARKE	\$599.00
20660	10/8/2020	811	S & S CLEANING SERVICE	\$388.00
20661	10/8/2020	1001833	STAPLES BUSINESS ADVANTAG	\$35.94
Bank Totals:				\$3,924.68
Total Of Checks:				\$3,924.68

Check Register

BIRMINGHAM TOWNSHIP

08-Oct-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
10124	10/8/2020	164	PENNSYLVANIA ONE CALL SYST	\$32.90
10125	10/8/2020	1001834	WM P MCGOVERN INC	\$423.00
Bank Totals:				\$455.90
Total Of Checks:				\$455.90

Check Register

BIRMINGHAM TOWNSHIP

19-Oct-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20662	10/19/2020	1002606	CRYSTAL SPRINGS	\$12.67
20663	10/19/2020	232	ELYSE/BERBEN INSIGNIA	\$60.00
20664	10/19/2020	517	INDEPENDENCE BLUE CROSS	\$5,925.19
20665	10/19/2020	205	PARKWAY DRY CLEANERS, INC.	\$127.15
20666	10/19/2020	1002154	VERIZON 250-441-074-0001-11	\$63.04
Bank Totals:				\$6,188.05
Total Of Checks:				\$6,188.05

Check Register

BIRMINGHAM TOWNSHIP

19-Oct-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
10126	10/19/2020	586	VERIZON 450-748-892-0001-25	\$61.07
10127	10/19/2020	1001834	WM P MCGOVERN INC	\$1,053.00
Bank Totals:				\$1,114.07
Total Of Checks:				\$1,114.07

Check Register

BIRMINGHAM TOWNSHIP

27-Oct-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20668	10/27/2020	1001913	VERIZON WIRELESS 722423083	\$187.65
Bank Totals:				\$187.65
Total Of Checks:				\$187.65

Check Register**BIRMINGHAM TOWNSHIP**

02-Nov-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
10128	11/2/2020	1002509	AQUA PA WW	\$1,310.62
10129	11/2/2020	80	AQUA PENNSYLVANIA	\$1,527.14
10130	11/2/2020	366	BUCKLEY, BRION, MCGUIRE ATTY	\$1,833.30
10131	11/2/2020	2	FREEDOM SYSTEMS	\$160.00
10132	11/2/2020	780	GUMBALL MEDIA, LLC \ LAND ART	\$3,627.00
10133	11/2/2020	21	H. A. THOMSON	\$4,774.00
10134	11/2/2020	1002424	M & S SERVICE COMPANY INC	\$975.00
10135	11/2/2020	29	PECO ENERGY	\$2,205.70
10136	11/2/2020	1002493	VERIZON 350-442-985-0001-57	\$41.29
10137	11/2/2020	1002401	WALTON WATER SERVICES	\$6,024.35
10138	11/2/2020	574	WASTE MANAGEMENT OF SOUT	\$207.26
10139	11/2/2020	1001834	WM P MCGOVERN INC	\$837.00
Bank Totals:				\$23,522.66
Total Of Checks:				\$23,522.66 ✓

Check Register**BIRMINGHAM TOWNSHIP**

02-Nov-20

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20669	11/2/2020	1001926	AJ BLOSENSKI, INC.	\$165.83
20670	11/2/2020	557	ALL SEASONS LANDSCAPING CO	\$919.08
20671	11/2/2020	80	AQUA PENNSYLVANIA	\$80.20
20672	11/2/2020	1002008	BRANDYWINE RED CLAY ALLIAN	\$205.00
20673	11/2/2020	366	BUCKLEY, BRION, MCGUIRE ATTY	\$2,391.75
20674	11/2/2020	873	CARDMEMBER SERVICE	\$848.75
20675	11/2/2020	600	CHESCO HISTORIC PRESERV NE	\$100.00
20676	11/2/2020	617	CHESTER WATER AUTHORITY	\$653.40
20677	11/2/2020	1002390	CJS TIRE & AUTOMOTIVE	\$1,167.75
20678	11/2/2020	1002121	CLEVENS K-9 SCOOP LLC	\$152.00
20679	11/2/2020	1001902	COMCAST CABLE	\$138.39
20680	11/2/2020	909	CONCORD TOWNSHIP VFRA	\$22,699.68
20681	11/2/2020	775	CONVENIENT CAR CARE CORPO	\$149.75
20682	11/2/2020	114	FRONEFIELD CRAWFORD, JR. LL	\$943.00
20683	11/2/2020	46	GALLS, LLC	\$47.89
20684	11/2/2020	176	GOOD FELLOWSHIP RELIEF ASS	\$5,674.92
20685	11/2/2020	780	GUMBALL MEDIA, LLC\LAND ART	\$2,505.00
20686	11/2/2020	21	H. A. THOMSON	\$21,506.00
20687	11/2/2020	422	HARRY TILLMAN AUTOMOTIVE L	\$217.98
20688	11/2/2020	1001755	MAJIC LANDSCAPES	\$1,709.00
20689	11/2/2020	178	PAGE EXCAVATING COMPANY, IN	\$7,325.00
20690	11/2/2020	29	PECO ENERGY	\$311.33
20691	11/2/2020	171	REILLY & SONS INC.	\$786.45
20692	11/2/2020	507	ROTHWELL DOCUMENT SOLUTI	\$162.70
20693	11/2/2020	1002670	THOMAS CUSTOM BUILDERS IN	\$1,500.00
20694	11/2/2020	23	VANDEMARK & LYNCH, INC.	\$7,536.49
20695	11/2/2020	214	WEST CHESTER FIREMENS RELI	\$17,024.77
20696	11/2/2020	1002102	WIGGINS SHREDDING INC	\$140.00
Bank Totals:				\$97,062.11
Total Of Checks:				\$97,062.11