

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MARCH 1, 2021**

The regular meeting of the Board of Supervisors was called to order at 7:32 PM by Chairman Scott Boorse via a recorded virtual meeting through Zoom in order to practice safe distancing during the COVID-19 crisis. Also in attendance at the Township Building with Chairman Boorse were Secretary/Treasurer Quina Nelling and Police Chief Thomas Nelling. Participating in the meeting in virtual mode were Vice-Chairman Michael Shiring and Supervisor J. Daniel Hill.

Supervisor Hill moved to approve the February 1, 2021 minutes as written. Vice-Chairman Shiring seconded the motion and the minutes were unanimously approved.

Supervisor Hill moved to approve the bills submitted for payment. General Fund bills totaled \$211,474.74. Sewer Fund bills totaled \$29,857.03. Vice-Chairman Shiring seconded the motion and the bills were unanimously approved.

HARB REPORT

RELIGIOUS SOCIETY OF BIRMINGHAM FRIENDS/1245 BIRMINGHAM ROAD/SIGN

At its meeting on February 16, 2021, HARB considered an application from the Religious Society of Birmingham Friends, 1245 Birmingham Road, for the removal of their existing, deteriorating sign which will be replaced with a new two-sided identification sign measuring 4 ½' wide x 3' high. The sign will have black letters on a white background and will hang from black metal hanging supports attached to a 6' high stone pillar. The stone pillar will match the stonework on the building. The sign will be illuminated. HARB reviewed the application and determined that it is in compliance with the HARB guidelines.

Applicant Chris Lang said that the old sign is small and decrepit. The intent is to increase the size of the sign and make it more visible. The lettering will be able to be changed on the lower part of the board for event purposes. The cost of the stone pillar is \$8,000. This expenditure is coming before the Birmingham Friends Business Meeting on Sunday, March 7th. If the stone pillar is not approved Mr. Lang may be returning to HARB with a different material choice.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for the identification sign and stone pillar for the Religious Society of Birmingham Friends, as recommended by HARB. Chairman Boorse seconded the motion which was unanimously approved.

MATERIALS LIST UPDATE RECOMMENDATION

At its January 19th meeting, HARB reviewed the approved materials list for the HARB district and recommended that additional materials be added to the list for the HARB guidelines due to changes in technology. The list was identified in the January 19th HARB minutes. The Board felt the list was a little too generic and should be more specific and that a little more work needed to be done on the list. Supervisor Hill was asked to participate in the next HARB meeting and provide input on the Board's position. HARB representation at the next Township meeting was

also requested in order to explain HARB's reasoning for each of the materials requested to be added to the materials list.

LEGACY LANE/BUILDING RESTRICTIONS/VINCE POMPO

Vince Pompo, Esq., representing Kevin and Julie Gates, 1115 Legacy Lane, submitted a letter to the Township dated February 16th requesting that the Board remove the restriction in Article V, Section 7, "Township Rights" of the Longview at Wylie Farm Declaration, which restricts in-ground swimming pools and associated fencing in the rear yards of Lots 11, 12, 13, 14, 15, 16, 17 and 19 along Legacy Lane, per Note 26 on the Subdivision Plan. Mr. Pompo's letter included e-mails from over 67% of the homeowners on Legacy Lane expressing their support for an amendment to the Declaration. The Declaration states that the owners of the restricted lots "shall not place nor locate any above-ground structure of any nature whatsoever on that portion of the rear of their premises that is located north of the building restriction line on their properties". In 2005, the Board considered a similar request to amend these provisions when the Burns, owners of one of the restricted lots, constructed a swing set in their rear yard. The Board at the time did allow an amendment to Article III of the Declaration, but the amendment did not allow the construction of swimming pools and only permitted the construction of swing sets limited to 300 sq. ft. and landscaping walls.

Mr. Pompo said that if the original reasoning for the restriction building areas on the lots was the viewshed, it shouldn't be a concern now due to the landscape growth. The rear yards of the restricted lots are significantly buffered.

Vice-Chairman Shiring stated that he is a property owner on the north side of Wylie Road across from the Wylie Farm Subdivision (Legacy Lane) so he will abstain from voting on this requested amendment to the Declaration. However, speaking as a Township resident, he said that there is a significant elevation change to the Legacy Lane properties. The woods going up the hill are dense and thick. He would be surprised if a swimming pool could be seen. He added that, because of the slope of the property and the landscaping, he didn't think a swimming pool could be constructed on lots 15, 16 or 17, just lots 11, 12, 13, and 14. Personally, he didn't see a need for the restriction in the Declaration.

Solicitor Camp informed the Board that this was a highly contested subdivision when it was originally approved and the residents didn't want to see this property developed.

Supervisor Hill asked if residents other than those residing on Legacy Lane had been polled about the removal of the restrictions. Mr. Pompo responded that they had not but because of the existing vegetation.

Chairman Boorse confirmed with Mr. Pompo that the request was just for above ground swimming pools and fences and no other structures.

Chairman Boorse stated that he typically is not in favor of changing something that was the intent of the Board that approved it, in this case building restrictions on specific lots of the Wylie Farm Subdivision Plan.

Mr. Pompo responded that it has been a long time since the plan was approved and the request to the Declaration change would be for the better for the Legacy Lane residents so they could maintain and increase their property values.

Vice-Chairman Shiring said that a change to the Declaration and Plan note would be the next step, which could be costly.

Chairman Boorse was non-committal to the request until he could review a proposed updated Declaration and Plan note. Although not a requirement, he was in favor of notifying adjacent property owners of the requested change to the Declaration.

It was decided that Mr. Pompo would draft an amendment to the Wylie Farm Subdivision Plan Note 26 and the Declaration for the subdivision as well as get input from surrounding property owners and then return to the Board for further consideration.

RECREATION, PARK & OPEN SPACE COMMITTEE (RPOS)

LINDA KAAT/HISTORICAL SIGN FOR TRAIL

Linda Kaat, spokesperson for the Pennsylvania Sons of the Revolution and the American Friends of Lafayette, had attended the February 15th RPOS meeting to discuss a proposal for the installation of an historical sign marker about General Lafayette, which she wanted located at Birmingham Hill. She has also presented the request to the Brandywine Conservancy (BC) and she is working with the BC on the type and style of sign.

Chairman Boorse asked if the exact location of the wounding of General Lafayette is known. Ms. Kaat responded that because of the fog at the time as well as his lapse of memory due to all his bleeding, that General Lafayette could not remember the exact location where he was wounded, as presented in the factual evidence from historians Bruce Mowday and Tom McGuire. The proposed sign would be a roadway sign along Meetinghouse Road.

RPOS Chairman Anne Siemer said that RPOS has already installed two interpretive signs at Birmingham Hill and is working on an interpretive panel on General Lafayette. The existing signage has panels that can be rotated out between Birmingham Hill and Sandy Hollow Park and the committee isn't in favor of excessive signage.

Michael Forbes, Historical Commission Chairman, said that a multi-interpretive plan for signage at Birmingham Hill, Marshalton Inn; Thornbury Farm; and other sites in adjacent townships is underway for the Battle of Brandywine by the Brandywine Battlefield Task Force. There are seven signs in the chain of signs and this would be the eighth. The General Lafayette signage is exceedingly appropriate but the desired effect is not to be like Gettysburg.

Chairman Seimer felt there would also be confusion with the existing County historical blue signs.

Chairman Boorse felt it was premature for a recommendation on the General Lafayette signage proposal from Ms. Kaat. He suggested a collaborated effort between Ms. Kaat; the HC and RPOS on a recommendation on the best (most tasteful) signs; locations; and battle significance.

2021 MOWING BIDS

RPOS has obtained four bids for mowing work at Birmingham Hill; Sandy Hollow Park; the sewer plant and the Rt. 926 embankment. Bids received were: Majic Landscaping - \$17,751. (2020 bid price) + 2% increase; J. Downend Landscaping - \$22,800.; Andrews Landscaping - \$22,772. (excludes the sewer plant); Harwood Landscaping - \$20,080. RPOS is recommending Majic Landscaping for the 2021 mowing season.

The bids inadvertently included mowing the Township Building which should not have been included in the bid. Chairman Boorse said the bids are quoted for 26 – 30 cuts. The number of cuts included in the bids should be verified. Also, Majic's bid price should be a total number, not just listing a percentage increase. RPOS was asked to get these items clarified on the bids being submitted. Award of the bid was tabled until the April meeting.

EAST BRADFORD TOWNSHIP OFFICIAL MAP

The Township is in receipt of a proposed ordinance and amendments to the Official Map for East Bradford Township, which was reviewed by the Planning Commission at its meeting on February 9th. The Planning Commission had no comments or concerns on the proposed updates to the East Bradford Township Official Map. It was noted that the majority of East Bradford Township land that is adjacent to Birmingham Township is open space owned by homeowners' associations.

Chairman Boorse moved to accept the recommendation from the Planning Commission on the proposed ordinance and amendments to the East Bradford Township Official Map. Vice-Chairman Shiring seconded the motion which was unanimously approved. Sect./Treas. Nelling will notify East Bradford Township of the recommendation.

POLICE PERSONNEL

Prior to tonight's meeting, the Supervisors virtually interviewed Michael McCardle for the position of part-time police officer. Chairman Boorse moved to hire Michael McCardle for the position of part-time police officer effective March 1, 2021 at the training rate of \$21.50/hr. Vice-Chairman Shiring seconded the motion which was unanimously approved.

VERIZON CABLE FRANCHISE ORDINANCE HEARING

Dan Cohen, Esq. of the Cohen Law Group, has been working on a cable franchise renewal agreement with Verizon for the Chester County Consortium. Birmingham Township is a participant in the negotiations by Cohen Law Group. An agreement has been reached and an ordinance to authorize execution of the cable franchise renewal agreement with Verizon has been advertised for consideration at tonight's meeting.

Unfortunately, probably due to high winds in the area, the internet/WIFI was disconnecting throughout the meeting. Part of the meeting was conducted through a phone connection but the meeting was not able to be completed with this connection. When the WIFI was reestablished, Chairman Boorse quickly moved to continue the ordinance hearing until the April 5th meeting. Supervisor Hill seconded the motion which was unanimously approved.

No public comment was taken due to internet/WIFI connection issues.

The meeting was adjourned at 9:20 P.M. (SCB;MTS)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

06-Apr-21

From: 02-Feb-21 To: 01-Mar-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
20826	2/8/2021	80	AQUA PENNSYLVANIA	\$108.37	O
20827	2/8/2021	79	BRANDYWINE VALLEY SPC	\$221.37	O
20828	2/8/2021	366	BUCKLEY,BRION,MCGUIRE	\$142.50	O
20829	2/8/2021	873	CARDMEMBER SERVICE	\$1,462.49	O
20830	2/8/2021	1002121	CLEVENS K-9 SCOOP	\$228.00	O
20831	2/8/2021	1001902	COMCAST CABLE	\$138.39	O
20832	2/8/2021	1002606	CRYSTAL SPRINGS	\$20.81	O
20833	2/8/2021	114	FRONEFIELD CRAWFORD. J	\$799.50	O
20834	2/8/2021	1001944	GOSHEN SIGNS	\$135.00	O
20835	2/8/2021	211	LEGISLATIVE REFERENCE	\$9.50	O
20836	2/8/2021	953	PA DUI ASSOCIATION	\$140.00	O
20837	2/8/2021	29	PECO ENERGY	\$716.11	O
20838	2/8/2021	30	PECO ENERGY (TRAFFIC LI	\$64.96	O
20839	2/8/2021	811	S & S CLEANING SERVICE	\$388.00	O
20840	2/8/2021	26	SIGNAL SERVICE INC.	\$150.00	O
20841	2/8/2021	61	VERIZON 753-804-167-0001-	\$2.41	O
20842	2/22/2021	80	AQUA PENNSYLVANIA	\$2,404.98	O
20843	2/22/2021	1002154	VERIZON 250-441-074-0001-	\$62.59	O
20844	3/1/2021	11	21ST CENTURY MEDIA - PHI	\$327.49	O
20845	3/1/2021	1001926	AJ BLOSENSKI, INC.	\$170.80	O
20846	3/1/2021	849	BATTAVIO/B&F SERVICE CO	\$350.93	O
20847	3/1/2021	1002709	BLUE 60 MEDIA	\$97.75	O
20848	3/1/2021	372	BRANDYWINE CONSERVAN	\$9,686.25	O
20849	3/1/2021	366	BUCKLEY,BRION,MCGUIRE	\$4,341.00	O
20850	3/1/2021	873	CARDMEMBER SERVICE	\$672.72	O
20851	3/1/2021	153	CHESTER COUNTY POLICE	\$150.00	O
20852	3/1/2021	529	CHRISTY MOBILE	\$100.00	O
20853	3/1/2021	775	CONVENIENT CAR CARE C	\$299.50	O
20854	3/1/2021	1002258	EASTERN SALT COMPANY I	\$8,948.66	O
20855	3/1/2021	1002011	FRANCOTYP-POSTALIA INC	\$237.00	O
20856	3/1/2021	2	FREEDOM SYSTEMS	\$3,216.24	O
20857	3/1/2021	289	GENERAL CODE PUBLISHE	\$3,561.07	O
20858	3/1/2021	21	H. A. THOMSON	\$5,777.50	O
20859	3/1/2021	517	INDEPENDENCE BLUE CRO	\$4,226.56	O
20860	3/1/2021	1002053	MICHAEL J HOCHHAUS	\$250.00	O
20861	3/1/2021	1002573	NMS LABS	\$275.00	O
20862	3/1/2021	178	PAGE EXCAVATING COMPA	\$143,900.00	O
20863	3/1/2021	171	REILLY & SONS INC.	\$1,183.06	O

Check Register**BIRMINGHAM TOWNSHIP**

06-Apr-21

From: 02-Feb-21 To: 01-Mar-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
20864	3/1/2021	1001833	STAPLES BUSINESS ADVAN	\$489.50	O
20865	3/1/2021	1001924	ULINE	\$40.44	O
20866	3/1/2021	23	VANDEMARK & LYNCH, INC.	\$14,159.06	O
20867	3/1/2021	23	VANDEMARK & LYNCH, INC.	\$1,008.80	O
20868	3/1/2021	1001913	VERIZON WIRELESS 722423	\$188.45	O
20869	3/1/2021	917	WITMER PUBLIC SAFETY G	\$621.98	O
Bank Total:				\$211,474.74	
Bank Account: 81 TRUMARK SEWER FUND					
10185	2/8/2021	1002509	AQUA PA WW	\$1,327.53	O
10186	2/8/2021	80	AQUA PENNSYLVANIA	\$2,071.14	O
10187	2/8/2021	366	BUCKLEY,BRION,MCGUIRE	\$619.00	O
10188	2/8/2021	29	PECO ENERGY	\$3,094.45	O
10189	2/8/2021	1002493	VERIZON 350-442-985-0001-	\$41.85	O
10190	2/8/2021	1001834	WM P MCGOVERN INC	\$360.00	O
10191	2/22/2021	586	VERIZON 450-748-892-0001-	\$62.27	O
10192	3/1/2021	1002659	ARRO CONSULTING, INC	\$1,956.00	O
10193	3/1/2021	1001859	COYNE CHEMICAL	\$2,044.00	O
10194	3/1/2021	585	EMERGENCY SYSTEMS SE	\$491.73	O
10195	3/1/2021	780	GUMBALL MEDIA/LAND ART	\$650.00	O
10196	3/1/2021	1002424	M & S SERVICE COMPANY I	\$4,392.50	O
10197	3/1/2021	1002691	OBERMAYER	\$5,107.00	O
10198	3/1/2021	1002392	TRI-COUNTY PEST CONTRO	\$60.00	O
10199	3/1/2021	1002493	VERIZON 350-442-985-0001-	\$42.11	O
10200	3/1/2021	1002401	WALTON WATER SERVICES	\$5,660.96	O
10201	3/1/2021	574	WASTE MANAGEMENT OF S	\$213.49	O
10202	3/1/2021	821	WILLIAM J KIRKPATRICK	\$250.00	O
10203	3/1/2021	1001834	WM P MCGOVERN INC	\$1,413.00	O
Bank Total:				\$29,857.03	
Total Of Checks:				\$241,331.77	