

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MEETING
MAY 3, 2021**

The regular meeting of the Board of Supervisors was called to order at 7:33 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; Supervisor J. Daniel Hill; and Township Solicitor Kristin Camp.

Vice-Chairman Shiring made two corrections to the April 5, 2021 minutes. On page 4, under the Brandywine Creek Greenway Program, 1st paragraph, 1st sentence, 3rd line, "Construction" should be "Conservation". On page 5, under Legacy Lane, 2nd paragraph, 2nd sentence, "in-ground" should be inserted before "pools". Supervisor Hill moved to approve the April 5, 2021 minutes as amended. Vice-Chairman Shiring seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment from April 6 – May 3, 2021. General Fund bills totaled \$51,582.36. Sewer Fund bills totaled \$38,147.35. Supervisor Hill seconded the motion and the bills were unanimously approved.

Chairman Boorse announced that the Supervisors held an executive session via Zoom on April 7, 2021 to discuss personnel issues.

Part-time Police Office Scott R. Lutte was sworn in by Chairman Boorse. Office Lutte was hired at the April 5th meeting.

BANNERS FOR S&T BANK

S&T Bank is taking over the location of the former BB&T Bank at 1349 Wilmington Pike in the Shoppes @ Dilworthtown Crossing. S&T Bank is moving from its current location on Oakland Road in Chadds Ford Township. The grand opening is scheduled for June 7th. Scott Cohagan of PA Sekula Sign Corporation was representing S&T Bank. S&T Bank is requesting temporary razor sail style banner signs to be erected for ninety days for the grand opening. The signs will be 13'H x 2'6"W. They will be made of a super poly fabric and secured to the ground with steel and nylon. The signs would be installed on June 7th. Permits have already been obtained for the permanent signage for the bank.

Mr. Cohagan provided the following responses to the Board's questions:

1. The time period of ninety days is being requested due to the cost of the signs.
2. The property management company, RJ Waters, has approved the signage.

Chief Nelling stated there would be no safety issues on Rt. 202 with the installation of the signs.

Solicitor Camp stated that under the sign regulations in the ordinance, temporary signs are permitted by the Supervisors.

Chairman Boorse moved to approve the temporary use of the razor sail style banner signs for the grand opening of S&T Bank to be erected for ninety days starting on June 7th as presented by the applicant. Supervisor Hill seconded the motion which was unanimously approved.

RADLEY RUN COUNTRY CLUB (RRCC) CLUBHOUSE EXPANSION

The Township is in receipt of correspondence dated April 21st from Lou Colagreco with Riley, Riper, Hollin & Colagreco representing the RRCC. A new golf clubhouse is being proposed which would contain a locker room, changing area, and a food and beverage area for members and their guests. Jeff Cronin, legal counsel, and Kurt Hutter, Board member, represented the RRCC.

Mr. Hutter said that the RRCC was founded in 1965 as a members' only club with 500 members in all categories. Golf membership is down to about 200 when at its peak the golf memberships totaled 280. The RRCC is outdated. The last major upgrade was done in the 1990's. The RRCC is still prosperous, but in order to sustain the club; attract new members; and satisfy the existing membership, an investment needs to be made into the RRCC facilities. The six million dollar project will require the members to be assessed and 80% of the members have approved the project. In addition to the new clubhouse, the top level of the existing clubhouse will be renovated and the locker area will be turned into a banquet facility.

The new 8,000 sq. ft. clubhouse will overlook the 15th green. The 4,000 sq. ft. lower level will be the new locker rooms and the 4,000 sq. ft. upper level will be a casual dining and patio area for watching the golfers. It will be located on the north side of Country Club Road between two existing buildings, the pro shop and a single family house where a staff member resides. There will be 42 new parking spaces on Country Club Road.

A sketch plan of the proposal has been submitted and reviewed by the Birmingham Township Planning Commission.

On April 8, 1965, Radley Run, Inc. and the Township entered into an Agreement Restricting Use of Land for Building for the purpose of preserving open space. The Agreement provides that, "open areas may be used for agricultural, recreational purposes such as golf courses, bridal paths, park and woodland, tennis courts, and other non-offensive uses of similar type, but shall not be improved with any structure other than such as are commonly used for outdoor recreational purposes".

Before going further in the process, Mr. Cronin is requesting the Board's concurrence that the new proposed clubhouse complies with the deed restriction and is in the spirit of the Agreement.

Vice-Chairman Shiring abstained from commenting on the proposal as he is a member of the law firm Riley, Riper, Hollin & Colagreco.

Chairman Boorse had no negative comments on the RRCC clubhouse proposal and he felt that the clubhouse met the spirit of the Agreement. Supervisor Hill concurred.

Solicitor Camp will follow up with an official letter on the Board's position.

ASSET PURCHASE AGREEMENT FOR THE SEWER PLANT

The asset purchase agreement for the sale of the sewer plant to Bucks County Water and Sewer Authority (BCWSA) has been finalized and was approved by BCWSA in April. Township special counsel for the sale, Thomas Wyatt, has reviewed the agreement for the Board's execution. Schedules and exhibits to the agreement will be updated as the June 30th settlement date approaches. BCWSA will freeze the sewer rate of \$165.00/quarter for three years before they set their own rate, which they anticipate will be lower than the current rate of \$165.00.

Chairman Boorse thanked Sect./Treas. Nelling; Arro Consulting and Solicitor Camp for the amount of work that had been done for the due diligence process for the sale.

Vice-Chairman Shiring said that on December 9, 2020 the Township had a separate, advertised meeting on the potential sale of the sewer plant. He also thanked Sect./Treas. Nelling and Solicitor Camp for their efforts in the process. He said that with the numerous operational problems at the sewer plant that it was in the best interest of the residents served by the plant to sale the sewer plant.

Supervisor Hill moved to authorize the Supervisors to enter into the asset purchase agreement with BCWSA for the sale of the sewer plant and to have the Chairman execute the agreement on behalf of the Township. Vice-Chairman Shiring seconded the motion which was unanimously approved.

PRE-PAYMENT OF SEWER LOANS

The Township has two loans outstanding with the Delaware Valley Regional Finance Authority that mature in 2022. Since one loan is for the sewer plant it must be paid off with the transfer of the plant. The balance on the sewer fund loan will be \$25,000. The balance on the general fund loan will be \$10,000. There is a small pre-payment penalty between \$100. and \$200. depending on interest rates on the date of the pre-payment. Since the sewer fund loan had to be pre-paid with the transfer of the plant, Sect./Treas. Nelling recommended that the Board consider pre-paying both loans. The normal payment date for the loan interest is the 25th of the month. Chairman Boorse moved to prepay the Sewer Note Obligation of \$25,000. and the General Note Obligation of \$10,000. on June 25, 2021. Supervisor Hill seconded the motion which was unanimously approved.

AMENDMENT TO WASTEWATER CONVEYANCE AGREEMENT WITH AQUA FOR HOMES ON GENERAL HOWE DRIVE AND EAST REGIMENTAL DRIVE

Birmingham Township had entered into a wastewater conveyance agreement with East Bradford Township for the conveyance of wastewater to the Borough of West Chester from nineteen homes in Birmingham Township located on General Howe Drive and East Regimental Drive. The term of the agreement expired on November 14, 2020. The agreement was not extended as East Bradford Township had conveyed its sewer system to Aqua Pennsylvania Wastewater, Inc.

The agreement needs to be extended for another five years so it can be assignable to BCWSA. Chairman Boorse moved to authorize the Chairman to execute the First Amendment to the

Wastewater Conveyance Agreement between Aqua Pennsylvania Wastewater, Inc. and Birmingham Township for the conveyance of wastewater from nineteen homes through East Bradford Township to the Borough of West Chester. Vice-Chairman Shiring seconded the motion which was unanimously approved.

TOWNSHIP CONSULTANTS

Since 2020 the Supervisors have been discussing the consolidation of consulting services to have the positions of Township Engineer, Township Zoning Officer and Township Building Code Official all handled by one entity. The timing was delayed due to the pandemic. The consolidation will streamline the services provided by the Township and provide a cohesiveness. Chairman Boorse recommended entering into an agreement with Arro Consulting to provide engineering, zoning and building code services to the Township. Vice-Chairman Shiring added that although it would be one company, there would be several different individuals with specialized skill sets that would be assigned to the Township for the various services.

Vice-Chairman Shiring moved to enter into an agreement with Arro Consulting for Township Engineer, Zoning and Building Code services and to authorize the Chairman to execute the professional services agreement on behalf of the Township. Supervisor Hill seconded the motion which was unanimously approved.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 8:29 PM. SCB;MTS

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

08-Jun-21

From: 06-Apr-21 To: 03-May-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
20923	4/19/2021	80	AQUA PENNSYLVANIA	\$2,404.98	O
20924	4/19/2021	366	BUCKLEY,BRION,MCGUIRE	\$307.50	O
20925	4/19/2021	1002714	CHUCK FELD	\$182.10	O
20926	4/19/2021	517	INDEPENDENCE BLUE CRO	\$4,226.56	O
20927	4/19/2021	205	PARKWAY DRY CLEANERS,	\$207.15	O
20928	4/19/2021	30	PECO ENERGY (TRAFFIC LI	\$51.02	O
20929	4/19/2021	811	S & S CLEANING SERVICE	\$388.00	O
20930	4/19/2021	1002154	VERIZON 250-441-074-0001-	\$63.18	O
20931	4/19/2021	61	VERIZON 753-804-167-0001-	\$364.57	O
20932	5/3/2021	1001926	AJ BLOENSKI, INC.	\$170.80	O
20933	5/3/2021	80	AQUA PENNSYLVANIA	\$15.20	O
20934	5/3/2021	5	BOROUGH OF WEST CHES	\$19,888.50	O
20935	5/3/2021	873	CARDMEMBER SERVICE	\$804.11	O
20936	5/3/2021	1001902	COMCAST CABLE	\$138.39	O
20937	5/3/2021	775	CONVENIENT CAR CARE C	\$929.25	O
20938	5/3/2021	1002606	CRYSTAL SPRINGS	\$18.66	O
20939	5/3/2021	232	ELYSE/BERBEN INSIGNIA	\$212.00	O
20940	5/3/2021	1002340	FERGUSON & MCCANN, INC	\$1,824.00	O
20941	5/3/2021	2	FREEDOM SYSTEMS	\$1,206.75	O
20942	5/3/2021	114	FRONEFIELD CRAWFORD. J	\$533.00	O
20943	5/3/2021	46	GALLS, LLC	\$336.86	O
20944	5/3/2021	702	GEORGE SPYROPOULOS, D	\$150.00	O
20945	5/3/2021	780	GUMBALL MEDIA/LAND ART	\$275.00	O
20946	5/3/2021	422	HARRY TILLMAN AUTOMOTI	\$533.96	O
20947	5/3/2021	281	IACP	\$275.00	O
20948	5/3/2021	1001755	MAJIC LANDSCAPES	\$3,325.00	O
20949	5/3/2021	904	MATTHEW BENDER & CO.,I	\$56.44	O
20950	5/3/2021	1002721	MELISSA URBANY	\$100.00	O
20951	5/3/2021	1002573	NMS LABS	\$825.00	O
20952	5/3/2021	30	PECO ENERGY (TRAFFIC LI	\$13.11	O
20953	5/3/2021	171	REILLY & SONS INC.	\$1,320.83	O
20954	5/3/2021	75	RJCRAIG GRAPHICS & DESI	\$145.00	O
20955	5/3/2021	507	ROTHWELL DOCUMENT SO	\$172.66	O
20956	5/3/2021	226	SIRCHIE FINGER PRINT LAB	\$111.59	O
20957	5/3/2021	1001833	STAPLES BUSINESS ADVAN	\$147.14	O
20958	5/3/2021	829	U.S. FINANCIAL LIFE INSUR	\$1,312.90	O
20959	5/3/2021	23	VANDEMARK & LYNCH, INC.	\$7,988.72	O
20960	5/3/2021	61	VERIZON 753-804-167-0001-	\$368.76	O

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08-Jun-21

From: 06-Apr-21 To: 03-May-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
20961	5/3/2021	1001913	VERIZON WIRELESS 722423	\$188.67	O
Bank Total:				\$51,582.36	
Bank Account: 81 TRUMARK SEWER FUND					
10225	4/19/2021	586	VERIZON 450-748-892-0001-	\$62.79	O
10226	5/3/2021	1002509	AQUA PA WW	\$1,350.14	O
10227	5/3/2021	80	AQUA PENNSYLVANIA	\$248.81	O
10228	5/3/2021	1002659	ARRO CONSULTING, INC	\$7,281.12	O
10229	5/3/2021	1001859	COYNE CHEMICAL	\$1,416.50	O
10230	5/3/2021	2	FREEDOM SYSTEMS	\$804.50	O
10231	5/3/2021	780	GUMBALL MEDIA/LAND ART	\$2,060.00	O
10232	5/3/2021	1001755	MAJIC LANDSCAPES	\$150.00	O
10233	5/3/2021	1002691	OBERMAYER	\$14,564.23	O
10234	5/3/2021	798	PA ONE CALL SYSTEM,INC.	\$29.76	O
10235	5/3/2021	1002493	VERIZON 350-442-985-0001-	\$42.14	O
10236	5/3/2021	1002401	WALTON WATER SERVICES	\$8,876.64	O
10237	5/3/2021	574	WASTE MANAGEMENT OF S	\$216.72	O
10238	5/3/2021	1001834	WM P MCGOVERN INC	\$1,044.00	O
Bank Total:				\$38,147.35	
Total Of Checks:				\$89,729.71	