

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
FEBRUARY 7, 2022**

The regular meeting of the Board of Supervisors was called to order at 7:01 PM in the Township Building by Chairman Boorse with the pledge of allegiance. A quorum of Supervisors was declared.

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

Vice-Chairman Shiring moved to approve the January 3, 2022 organizational and regular meeting minutes. Supervisor Hill seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment since the January 3, 2022 meeting. General Fund bills totaled \$196,384.64. Supervisor Hill seconded the motion and the bills were unanimously approved.

**VMDT PARTNERSHIP ZHB 1320/1330 WILMINGTON PIKE/SIGNAGE**

Rich Orlow, CPA, was present representing VMDT Partnership & Piazza Family Limited Partnership. A Zoning Hearing Board application has been submitted for a special exception, pursuant to Section 122-110.C of the Township Code, for the replacement of the existing Acura sign with a freestanding/ground sign of the same height and size.

Mr. Orlow said that the northern sign at 1320 Wilmington Pike is 8'10". The maximum footage allowed is 50 sq. ft. The Zoning Officer interprets the sign measurement as being the entire sign, including the base. The new sign is the same size as the former Acura sign which was an existing non-conforming sign as there was no building on the lot. The breakdown of the size of the sign is: 1) one logo and verbiage is 8 sq. ft.; 2) panel is 20 sq. ft.; 3) entire sign without the base is 24 sq. ft.; and 4) the entire sign with the base is 30 sq. ft. so however the sign is measured it would be under the 50 sq. ft. allowed. The intent is to replace the existing non-conforming sign and to not increase the size.

Mr. Orlow proceeded to describe the main entrance sign which is 15': 1) the logo is 28 sq. ft.; 2) the panel is 54 sq. ft.; 3) all panels are 96 sq. ft.; and 4) the panels with the base are 103 sq. ft. Mr. Orlow explained that the Mazda sign is similar to this proposed main entrance sign which is 126 sq. ft. with the base included. The Mazda sign was approved without needing relief from the ZHB.

The Board discussed with Mr. Orlow a possible condition that no more signage would be allowed.

Given the non-conformity nature of the relief request, Vice-Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the ZHB. Chairman Boorse seconded the motion which was unanimously approved.

**RPOS MOWING BIDS**

Chuck Feld, RPOS Chairman, presented the bid tabulation for mowing for the 2022 season. Four bids were requested, three bids were received. The low bid was from Sunny Gardens @ \$12,446.00. Mr. Feld was concerned at the low bid price but he had received good references on them. As there is no formal

contract with a specific term, Solicitor Camp said the services can be terminated for poor performance, if necessary. A current certificate of insurance will need to be provided.

Vice-Chairman Shiring moved to approve the mowing bid for 2022 to Sunny Gardens of West Chester with the condition that RPOS countersign the proposal and that insurance is maintained at all times with a copy of the certificate of insurance to be provided to the Township. Chairman Boorse seconded the motion which was unanimously approved.

### **2022 REENACTMENT**

Randell Spackman was present to discuss the details of the 2022 Reenactment of the 245<sup>th</sup> anniversary of the Battle of Brandywine to be held on September 24<sup>th</sup> and 25<sup>th</sup> at Sandy Hollow. Regiments will be coming from England and France to join the Continental Line and Crown Forces for the event. The goal is not to make this bigger than the one in 2017 which had approximately 20,000 attendees. The big issue in 2017 was volunteers. School groups will be approached for volunteering. The Facebook page has been updated for the 2022 reenactment. He is meeting with Colonial Parking on Thursday to discuss parking services. Monthly meetings will be held. Thornbury Township wants to be involved and offer services.

The Supervisors offered the following suggestions:

- 1) Establish key responsibilities
- 2) Identify sponsors
- 3) Identify time lines
  - A) Monthly goals
  - B) Time to close Sandy Hollow Park to walkers
  - C) Arrival time for vendors and reenactors
- 4) Establish plans for promoting the event

### **HORNIBROOK LAW SUIT**

Dawn Hornibrook, 988 Whitetail Lane, sued the Township after a fall on black ice at Sandy Hollow Park on January 25, 2019. She did not report the incident to the Township or call for medical assistance through 9-1-1. The suit was turned over to the Township's insurance provider. A settlement has been reached where Mrs. Hornibrook will get \$20,000. plus \$23,208.84 for payment of the recoverable medical lien. The Supervisors have the option to accept or appeal the settlement agreement.

For the sake of the Township, the Board felt it made the most sense to accept the settlement agreement and rely on the recommendation of the litigation counsel.

Vice-Chairman Shiring moved to accept the settlement agreement of \$43,208.84 in the Dawn Hornibrook litigation. Supervisor Hill seconded the motion which was unanimously approved.

### **HISTORIC RESOURCE ORDINANCE**

Solicitor Camp said that the Board has streamlined and re-aligned the Historic Resource Ordinance during two special meetings. The ordinance will need to go to the HC; PC and CCPC for input. The official list is included in the Comprehensive Plan but pertinent information is missing from that list. The HC recommended additional properties be added to the Historic Resource Inventory List that they created. The Board wanted the HC to provide a current, cleaned up, Historic Resources list, which included no additions but eliminated classifications; criteria; and update property owner information.

Vice-Chairman Shiring moved to send the draft Historic Resource Ordinance to the CCPC. Chairman Boorse seconded the motion which was unanimously approved.

Vice-Chairman Shiring moved to send the historic resource ordinance to the PC for review and comment, not for a re-write. Chairman Boorse seconded the motion which was unanimously approved.

Vice-Chairman Shiring moved to send the historic resource ordinance to the HC for review and comment, not for a re-write. Chairman Boorse seconded the motion which was unanimously approved.

The HC will provide the updated historic inventory list prior to the draft being sent to the PC and CCPC.

The Township has requested an electronic copy of the HC list be provided to the Township secretary from the HC committee upon completion of their review.

### **AWARD BIDS**

#### **2022 Road Program**

A request for bids for the 2022 Road Program was duly advertised in the Daily Local News on January 4<sup>th</sup> and 11<sup>th</sup> for bid acceptance through the PennBid program. Six bids were received. The low bid was from A. F. Damon, Inc. of Brookhaven, PA who has done work in the Township previously. Chairman Boorse moved to award the 2022 Road Program bid to A. F. Damon, Inc. for the low bid price of \$249,058.00. Vice-Chairman Shiring seconded the motion which was unanimously approved.

#### **Storm Pipe Video Inspection**

Bids for video inspecting the storm sewer pipes in the Birmingham Hunt and Knolls of Birmingham Developments as well as on General Lafayette Blvd. in Radley Run were duly advertised in the Daily Local News on January 11<sup>th</sup> and 18<sup>th</sup> for acceptance through the PennBid program. Nine bids were received. The lowest bidder was Aqualis Stormwater Management from North Carolina. Per the Township Engineer, Dave Schlott, this company travels the country doing this type of work. The bid form and other documents were not signed and the company needs to provide proof that they can do business in the Commonwealth of Pennsylvania. Chief Nelling indicated that Aqualis did attend the pre-bid meeting and per Dave Schott the company specializes in this type of work and came highly recommended by their references.

Chairman Boorse moved to accept the bid from Aqualis Stormwater Management for \$35,875.70 which includes all of the bid locations contingent upon the appropriate paperwork being signed and proof of being able to do business in Pennsylvania is provided. Supervisor Hill seconded the motion which was unanimously approved.

### **DISCUSSION OF AUTO-PAY ON BILLS**

Sect./Treas. Nelling said that the mail service has been horrendous and it is affecting payables negatively. Bills are being received late, or not at all. Checks are taking 20 – 30 days to get to the vendors, if they get there at all. The result is calls looking for payment; late charges; and the re-issuance of checks. Some bills come in with late fees and Mrs. Nelling is having to spend unnecessary time on the phone “waiting in the que” to try and get the late fees handled. Mrs. Nelling has talked with Solicitor Camp and Stewart Morcom, auditor with BBD, LLP, regarding the payment of some bills through auto-pay. Stewart Morcom said as long as they were monthly, regular bills of the similar amounts that it wouldn't be an issue. Solicitor Camp concurred.

After discussion, the Board asked Sect./Treas. Nelling to provide a list of bills she is suggesting for auto-pay with an average dollar amount for each vendor. This will be discussed at the March

meeting.

### **OFFICE PERSONNEL**

Sect./Treas. Nelling interviewed Tamara Blasch-Murphy of Newtown Square a couple of weeks ago for the Administrative Assistant office position. The Board met with Mrs. Murphy prior to tonight's meeting. Vice-Chairman Shiring moved to hire Tamara Blasch-Murphy at the rate of \$22.00/hr. Chairman Boorse seconded the motion which was unanimously approved.

Melissa Urbany has graciously been working as an outside contractor for the Township doing mailings; spreadsheets and any jobs that Sect./Treas. needs her to do while the office staffing has been limited. Mrs. Urbany is available to come into the office periodically to do work as well. Vice-Chairman Shiring moved to approve that the \$25.00/hr. outside contractor rate to be the same rate for Melissa Urbany when she works in the office. Chairman Boorse seconded the motion which was unanimously approved.

### **TREASURER'S REPORT FOR 2021**

Sect./Treas. Nelling reported for the 2021 fiscal year.

#### **Account Balances**

General Fund - \$1,249,171. (which includes ARPA funds and sewer fund accounts)

Sewer Fund - \$19,228.

Capital Reserve Fund - \$3,078,168.

State Fund - \$36,735.

<b><u>GENERAL FUND</u></b>	<b><u>BUDGET</u></b>	<b><u>ACTUAL</u></b>
Revenues	\$2,231,953.	\$3,068,379.
Expenditures	\$1,680,979.	\$1,819,208.
<b><u>REVENUES</u></b>		
Real Estate Transfer Tax	\$190,000.	\$275,815.
ARPA Funds not budgeted		\$219,753.
Zoning Hearing Board	\$3,000.	\$11,176.
Building Permits	\$55,000.	\$122,647.
Mechanical Permits	\$6,500.	\$14,095.
Consultant Fee Reimbursements	\$7,500	\$59,936.
Engineer Reimbursements	\$6,000.	\$20,561.
Balance Forward from 2020	\$877,753.	\$911,382.
<b><u>EXPENSES</u></b>		
Office Administration (code updates & zoom)	\$26,625.	\$35,624.
Office Assistant	\$45,097.	\$20,500.
Reimbursable Engineering Bills	\$20,000.	\$56,746.
Birmingham Hill	\$11,000.	\$17,527.
Legal Bills	\$30,000.	\$28,308.
Police Department	\$668,837.	\$661,036.
Building Inspector	\$50,000.	\$93,745.
Zoning Officer	\$5,000.	\$34,557.
Snow Removal	\$130,000.	\$207,645.
Road Work	\$75,000.	\$87,170.

Engineering for Highways

\$32,000.

\$42,709.

Sect./Treas. reported that there are six properties that have been sent to lien for non-payment of their sewer bills. The total lien amount is \$7,974.11. Also, a few residents that were sent refunds for credits on their accounts have not cashed their checks so the sewer fund account needs to remain open.

**PUBLIC COMMENT**

There was no public comment.

The meeting was adjourned at 8:19 PM. (SCB;JDH)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

09-Mar-22

From: 08-Feb-22 To: 07-Mar-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 11 TRUMARK GENERAL FUND</b>					
21450	2/22/2022	80	AQUA PENNSYLVANIA	\$2,400.45	O
21451	2/22/2022	1002789	BADGEANDWALLET	\$77.00	O
21452	2/22/2022	366	BUCKLEY,BRION,MCGUIRE	\$574.00	O
21453	2/22/2022	153	CHESTER COUNTY POLICE	\$75.00	O
21454	2/22/2022	775	CONVENIENT CAR CARE C	\$119.80	O
21455	2/22/2022	1002790	DAVID A. GREEN	\$1,666.84	O
21456	2/22/2022	1002258	EASTERN SALT COMPANY I	\$4,493.25	O
21457	2/22/2022	1001827	GREGORY KUREY	\$422.94	O
21458	2/22/2022	21	H. A. THOMSON	\$266.00	O
21459	2/22/2022	936	PA DUI ASSOCIATION	\$150.00	O
21460	2/22/2022	226	SIRCHIE FINGER PRINT LAB	\$35.41	O
21461	2/22/2022	1001833	STAPLES BUSINESS ADVAN	\$228.66	O
21462	3/7/2022	1001913	VERIZON WIRELESS 722423	\$187.09	O
21463	3/7/2022	11	21ST CENTURY MEDIA - PHI	\$335.26	O
21464	3/7/2022	80	AQUA PENNSYLVANIA	\$41.70	O
21465	3/7/2022	1002659	ARRO CONSULTING, INC	\$22,514.88	O
21466	3/7/2022	9	BRUCE E MAPES, PHD	\$200.00	O
21467	3/7/2022	366	BUCKLEY,BRION,MCGUIRE	\$2,329.50	O
21468	3/7/2022	873	CARDMEMBER SERVICE	\$1,243.70	O
21469	3/7/2022	1002121	CLEVENS K-9 SCOOP	\$228.00	O
21470	3/7/2022	1001902	COMCAST BUSINESS	\$159.89	O
21471	3/7/2022	70	CONCORD AUTO BODY, INC	\$1,983.03	O
21472	3/7/2022	775	CONVENIENT CAR CARE C	\$149.75	O
21473	3/7/2022	1002606	CRYSTAL SPRINGS	\$27.65	O
21474	3/7/2022	1002791	DEERFIELD MOWING	\$1,300.00	O
21475	3/7/2022	1002011	FRANCOTYP-POSTALIA INC.	\$237.00	O
21476	3/7/2022	2	FREEDOM SYSTEMS	\$2,011.25	O
21477	3/7/2022	933	GARNET AUTOMOTIVE GRO	\$440.53	O
21478	3/7/2022	702	GEORGE SPYROPOULOS, D	\$150.00	O
21479	3/7/2022	21	H. A. THOMSON	\$5,069.75	O
21480	3/7/2022	422	HARRY TILLMAN AUTOMOTI	\$296.98	O
21481	3/7/2022	281	IACP	\$275.00	O
21482	3/7/2022	211	LEGISLATIVE REFERENCE	\$20.50	O
21483	3/7/2022	1002721	MELISSA URBANY	\$200.00	O
21484	3/7/2022	1002053	MICHAEL J HOCHHAUS	\$250.00	O
21485	3/7/2022	205	PARKWAY DRY CLEANERS,	\$119.55	O
21486	3/7/2022	29	PECO ENERGY	\$1,023.44	O
21487	3/7/2022	30	PECO ENERGY (TRAFFIC LI	\$19.14	O

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

09-Mar-22

From: 08-Feb-22 To: 07-Mar-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
21488	3/7/2022	171	REILLY & SONS INC.	\$797.58	O
21489	3/7/2022	811	S & S CLEANING SERVICE	\$388.00	O
21490	3/7/2022	1001833	STAPLES BUSINESS ADVAN	\$174.60	O
21491	3/7/2022	278	UNRUH, TURNER, BURKE &	\$2,997.00	O
21492	3/7/2022	23	VANDEMARK & LYNCH, INC.	\$63.50	O
21493	3/7/2022	61	VERIZON 753-804-167-0001-	\$363.02	O
21494	3/7/2022	917	WITMER PUBLIC SAFETY G	\$229.83	O
21495	3/7/2022	80	AQUA PENNSYLVANIA	\$4,831.29	O
21496	3/7/2022	1002182	GALE M FITZPATRICK	\$185.00	O
21497	3/7/2022	30	PECO ENERGY (TRAFFIC LI	\$64.78	O
<b>Bank Total:</b>				<b>\$61,417.54</b>	
<b>Bank Account: 81 TRUMARK SEWER FUND</b>					
10316	2/24/2022	1002777	ALEX & MARIA PAPIERNIK	\$5.00	V
10317	2/24/2022	1002762	DAVID FLORENCE	\$16.00	V
10318	2/24/2022	1002757	PEEYUSH & ANAMIKA JAIN	\$165.00	V
10319	2/24/2022	1002776	PUNEET SATIJA	\$141.85	V
10320	2/24/2022	1002777	ALEX & MARIA PAPIERNIK	\$5.00	O
10321	2/24/2022	1002762	DAVID FLORENCE	\$16.00	O
10322	2/24/2022	1002757	PEEYUSH & ANAMIKA JAIN	\$165.00	O
10323	2/24/2022	1002776	PUNEET SATIJA	\$141.85	O
<b>Bank Total:</b>				<b>\$655.70</b>	
<b>Total Of Checks:</b>				<b>\$62,073.24</b>	