

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
MAY 2, 2022**

The regular meeting of the Board of Supervisors was called to order at 7:00 PM in the Township Building by Vice-Chairman Shiring with the pledge of allegiance. A quorum of Supervisors was present.

Michael T. Shiring     -       Vice-Chairman  
J. Daniel Hill         -       Supervisor

Absent was Chairman Scott Boorse. Also present was Solicitor Kristin Camp.

Supervisor Hill moved to approve the April 4, 2022 minutes as written. Vice-Chairman Shiring seconded the motion and the minutes were approved.

Supervisor Hill moved to approve the bills submitted for payment from April 5 – May 2. Vice-Chairman Shiring seconded the motion and the bills were approved. General fund checks totaled \$108,681.81. Auto pay bills totaled \$415.57

**HARB REPORT**

HARB met on April 19<sup>th</sup> to consider an application from Dan Warner, 969 Wes Moore Drive, for the addition of a roof over the existing rear patio. Materials/colors are: Certainteed Shingles in Moire Black; White Hardie Plank Siding; and White Azek Trim.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for Mr. Warner, 969 Wes Moore Drive, as recommended by HARB. Mr. Hill seconded the motion which was approved.

**ZHB APPLICATION/ADAMS/806 HESSIAN CIRCLE/SETBACK FOR SHED**

The Zoning Hearing Board is meeting on May 18<sup>th</sup> to consider an application from Kurt and Nancy Adams, 806 Hessian Circle, for a variance from Section 122-28.F (minimum side yard setback for accessory buildings and structures) in order to construct a 1-story shed/greenhouse within the side yard setback.

Mrs. Adams was present. She explained that her property backs up to Creek Road, which is a ski slope back yard. There is limited flat area on the property. She wants to encroach five feet into the fifteen foot setback so the side yard setback would be ten feet. She has already reduced the footprint of the structure. The shed would not only look better at this location but it would prevent the removal of mature trees. The structure would be used as a greenhouse for her plants and there would be a heater installed in the concrete floor.

Vice-Chairman Shiring moved to remain neutral on the application and to defer to the expertise of the ZHB. Mr. Hill seconded the motion which was approved.

## **BRANDYWINE BATTLEFIELD HISTORICAL MARKER PROJECT**

The PA Society of the Sons of the Revolution and its Color Guard, in partnership with the Brandywine Battlefield Task Force and the Township's Historical Commission, are working on the Brandywine Battlefield Historic Marker Project which will result in an official Brandywine Battlefield Task Force Historic Marker for each of the fifteen municipalities that are stewards of the Brandywine Battlefield. These markers will form the backbone of the official Brandywine Battlefield self-guided tour currently being developed by the Brandywine Battlefield Task Force.

HC Chairman Mike Forbes and HC member Kelly Fleming explained the process. The contract is for up to \$3,000. of grant funds from the Sons of the Revolution which is reimbursable to the Township upon the completion of various items. The Township will receive \$1,500. upon the execution of the contract. The Township Historical Commission will order sign proofs for review and approval which when approved will be ordered for manufacturing and shipping. The Township is responsible for the installation of the sign. The location has been decided upon along Birmingham Road. Photos of the sign installation need to be provided after its installation for reimbursement of the additional \$1,500. The only cost to the Township would be for the sign installation.

Vice-Chairman Shiring moved to approve the Brandywine Battlefield Historic Interpretive Marker Project Agreement for Services for a maximum reimbursement of \$3,000. Supervisor Hill seconded the motion which was approved.

## **HISTORICAL COMMISSION ORDINANCE**

The Supervisors have been working on changes to the Historical Commission Ordinance, Article VIIIA, in order to streamline the process for the residents and to make changes to the ordinance which have not been working as intended. Due to the fact that Chairman Boorse is not in attendance, the Supervisors are not going to have a substantive discussion about the ordinance but will entertain general comments from the public. Vice-Chairman Shiring explained that the Supervisors reviewed the ordinance in two public meetings with the Township Solicitor who drafted an ordinance proposal which was sent to the HC and the CCPC, each of which have provided specific comments on the proposal. It's the Board's intent to work through and discuss these comments. The intent is not to reduce the historic resource protection of properties, but to make the review process easier for the residents.

Doug Marshall, 1001 Meetinghouse Road, felt the proposed ordinance was reducing protection to the homeowners. He didn't understand why the Planning Commission hadn't reviewed the ordinance and why the Supervisors reviewed it first. Solicitor Camp responded that the Supervisors are the legislative body for ordinance changes. There was never an intent to diminish the protection of historic resources. Vice-Chairman Shiring added that the Township is not rushing to make a change to the ordinance. The initial movement for change came back in 2015 with Supervisor John Conklin. Other items have taken precedent for the Board and then the Pandemic hit. The Supervisors are just responding to the HC requests for changes as well as trying to make the process less cumbersome.

HC Chairman Mike Forbes commented that there hasn't been great communication between the Supervisors and the HC on the Board's intent or the process for changes.

Solicitor Camp reviewed the process for changes to the ordinance. She explained that the Supervisors chose to send the ordinance to the HC before the PC since they are the committee that oversees the ordinance.

Vice-Chairman Shiring said that at the June 6<sup>th</sup> meeting the Supervisors intend to go line by line through the ordinance while addressing the comments from the HC and the CCPC. If it is finalized that evening, then an updated draft will go to the HC; the CCPC and the PC.

Mr. Nakasian, 1043 Squire Cheyney Dr., said that he and his wife are appreciative of the importance and significance of the historical protection of the ordinance.

Britta Parsons, 1340 Fieldpoint Drive, was interested in seeing the ordinance proposal. Solicitor Camp got e-mail addresses for all of those present that are interested in a copy of the ordinance proposal. The ordinance is under the HC agenda on the web site. Sect./Treas. Nelling was asked to put the ordinance proposal on the web site home page, which wasn't done previously since it is just in discussion and there isn't a final ordinance being proposed for adoption.

#### **CONDITIONAL USE DECISION 1305 PENN OAKS DR./PENN OAKS ENTERPRISES**

Due to the absence of Chairman Scott Boorse and the firm representation conflict by Vice-Chairman Shiring, Alyson Zarro, legal counsel for Penn Oaks Enterprises, has granted an extension until June 6<sup>th</sup> for the conditional use decision for 1305 Penn Oaks Drive to be rendered.

#### **POLICE PERSONNEL**

At the recommendation of Chief Nelling, Vice-Chairman Shiring moved to hire Justin Prorock at the training rate of \$23./hr. Supervisor Hill seconded the motion which was approved.

In order to bring the Township in line with adjoining municipalities, Chief Nelling is recommending that the off-duty billable rate be \$85./hr with a holiday rate of \$115./hr. Vice-Chairman Shiring moved to change the off—duty billable rates as recommended by Chief Nelling. Supervisor Hill seconded the motion which was approved.

#### **DISPOSITION RESOLUTION FOR PAYABLES THROUGH 2014**

Sect./Treas. Nelling has prepared a resolution for the destruction of accounts payable records through 2014 per the PHMC Municipal Records Manual. Supervisor Hill moved to adopt Resolution 2022-0502 for the destruction of accounts payable through 2014. Vice-Chairman Shiring seconded the motion which was approved.

#### **OFFICE PERSONNEL & HOURS**

Sect./Treas. Nelling said that Administrative Assistant Tamara Blasch-Murphy has finished her 90 day probationary period. She was hired at the rate of \$22./hr with the understanding that it would be increased to \$23./hr. upon her satisfactory completion of her probation. Vice-Chairman Shiring moved to increase the rate of Tamara Blasch-Murphy to \$23./hr. Supervisor Hill seconded the motion which was approved.

The office hours have been 9:30 – 12:30 M, T, Th while the office has been without staff and during the training of Tamara Blasch-Murphy. Sect./Treas. Nelling is recommending that office hours be established at 9 – 1 M – Th with the office still closed on Fridays. Vice-Chairman Shiring moved to approve the office hours of 9 – 1 M – Th. Supervisor Hill seconded the motion which was approved.

In response to Kelly Fleming, Mrs. Nelling said the change in office hours would be effective immediately.

**PUBLIC COMMENT**

Eva Foster, Westtown Township resident, was present to suggest that Birmingham Township buy 100 acres adjacent to South New Street Road, known as the Brandywine Battlefield Swath of the Crebilly Farm property, which is being sold for \$100,000./acre in order to preserve the entire property. Westtown Township has an agreement in place for the purchase of 200 acres and is working with Natural Lands Trust and other agencies for grants for a conservation easement on the property.

Mr. Nakasian asked about cleaning up of the Brandywine Picnic Park debris from Hurricane Ida. Chief Nelling informed him that the area where he is referring is owned by the Radley Run HOA and that trailers and debris had been removed two weekends prior through an effort by Steve Fanelli.

The meeting was adjourned at 7:55 PM. (JDH;MTS)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

07-Jun-22

From: 05-Apr-22 To: 02-May-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 11 TRUMARK GENERAL FUND</b>					
21534	4/12/2022	1001902	COMCAST BUSINESS	\$159.89	O
21535	4/12/2022	61	VERIZON 753-804-167-0001-	\$362.09	O
21536	4/18/2022	11	21ST CENTURY MEDIA - PHI	\$299.82	O
21537	4/18/2022	1002416	BLUE360 MEDIA	\$98.35	O
21538	4/18/2022	617	CHESTER WATER AUTHORI	\$1,306.80	O
21539	4/18/2022	775	CONVENIENT CAR CARE C	\$199.75	O
21540	4/18/2022	1002182	GALE M FITZPATRICK	\$275.00	O
21541	4/18/2022	46	GALLS, LLC	\$192.05	O
21542	4/18/2022	422	HARRY TILLMAN AUTOMOTI	\$42.98	O
21543	4/18/2022	1002795	JEFFREY DUPREZ	\$3,224.34	O
21544	4/18/2022	904	MATTHEW BENDER & CO.,I	\$56.44	O
21545	4/18/2022	3	PA TWP HEALTH INS COOP	\$568.10	O
21546	4/18/2022	205	PARKWAY DRY CLEANERS,	\$164.85	O
21547	4/18/2022	29	PECO ENERGY	\$628.81	O
21548	4/18/2022	30	PECO ENERGY (TRAFFIC LI	\$44.48	O
21549	4/18/2022	64	PMRS (UNIFORM)	\$20.00	O
21550	4/18/2022	171	REILLY & SONS INC.	\$1,226.15	O
21551	4/18/2022	1002138	THE PENNSYLVANIA STATE	\$499.00	O
21552	4/18/2022	424	U.S. POSTAL SERVICE (CMR	\$1,000.00	O
21553	4/18/2022	1002787	VMDT PARTNERSHIP	\$503.74	O
21554	4/18/2022	30	PECO ENERGY (TRAFFIC LI	\$17.26	O
21555	5/2/2022	1001926	AJ BLOENSKI, INC.	\$170.80	O
21556	5/2/2022	557	ALL SEASONS LANDSCAPIN	\$9,450.00	O
21557	5/2/2022	1002659	ARRO CONSULTING, INC	\$15,124.93	O
21558	5/2/2022	1002659	ARRO CONSULTING, INC	\$19,134.82	O
21559	5/2/2022	5	BOROUGH OF WEST CHES	\$19,888.50	O
21560	5/2/2022	366	BUCKLEY,BRION,MCGUIRE	\$2,676.03	O
21561	5/2/2022	70	CONCORD AUTO BODY, INC	\$8,031.98	O
21562	5/2/2022	775	CONVENIENT CAR CARE C	\$199.75	O
21563	5/2/2022	2	FREEDOM SYSTEMS	\$2,011.25	O
21564	5/2/2022	1001768	GRAFIX SHOPPE	\$664.45	O
21565	5/2/2022	21	H. A. THOMSON	\$1,046.00	O
21566	5/2/2022	422	HARRY TILLMAN AUTOMOTI	\$73.98	O
21567	5/2/2022	178	PAGE EXCAVATING COMPA	\$8,570.00	O
21568	5/2/2022	507	ROTHWELL DOCUMENT SO	\$185.14	O
21569	5/2/2022	1001833	STAPLES BUSINESS ADVAN	\$450.44	O
21570	5/2/2022	829	U.S. FINANCIAL LIFE INSUR	\$1,312.90	O
21571	5/2/2022	832	WEST CHESTER PUBLIC LIB	\$2,041.00	O

# Check Register

BIRMINGHAM TOWNSHIP

07-Jun-22

From: 05-Apr-22 To: 02-May-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
21572	5/2/2022	80	AQUA PENNSYLVANIA	\$169.75	V
21573	5/2/2022	1002606	CRYSTAL SPRINGS	\$27.65	O
21574	5/2/2022	517	INDEPENDENCE BLUE CRO	\$5,621.99	O
21575	5/2/2022	1002792	SUNNY GARDEN LANDSCAP	\$1,110.00	O
21576	5/2/2022	61	VERIZON 753-804-167-0001-	\$359.64	V
Bank Total:				\$109,210.90	
Total Of Checks:				\$109,210.90	