

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
JULY 11, 2022**

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

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

Absent was Chairman Scott Boorse.

Supervisor Hill moved to approve the June 6th 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 since the May 2nd meeting. Vice-Chairman Shiring seconded the motion and the bills were approved. General Fund bills totaled \$147,854.49. State Fund Check #197 for \$161,541.90 was approved for payment to A.F. Damon & Co. for the first payment for the 2022 Road Program.

ANNOUNCEMENTS

The Supervisors will be holding a special meeting on Friday, July 15th @ 12 PM to discuss the Act 167 Stormwater Ordinance Update requirements.

The Township will be holding the Brandywine Battlefield Re-enactment at Sandy Hollow Park on September 24th and 25th.

SWEAR-IN POLICE OFFICERS

Vice-Chairman Shiring administered the Oath of Office to newly hired part-time police officers Justin Prorock and Kevin White.

POLICE PERSONNEL

At the recommendation of Chief Nelling, Vice-Chairman Shiring moved to promote full-time Police Officer, Joseph Arnold, to Corporal. Supervisor Hill seconded the motion which was approved. Officer Arnold has been employed with the Department since May 1, 2008.

At the recommendation of Chief Nelling, Vice-Chairman Shiring moved to increase the wage rate of part-time Police Officer Spencer Wood from the training rate of \$23.00/hr. to \$28.00/hr. effective today. Supervisor Hill seconded the motion which was carried.

HARB REPORT

1311 BIRMINGHAM ROAD/GARRISON/PORCH RAILINGS

At its meeting on June 21st HARB recommended that a Certificate of Appropriateness be issued to Scott and Kathryn Garrison, 1311 Birmingham Road, for the addition of railings to each side

of their back porch stairs. The railings will be white to match the existing porch railing and trim with horizontal woven stainless steel cable added for support.

There was discussion around the horizontal woven stainless steel cable which is required by the Building Code as stated at the HARB meeting by the fill-in Building Inspector, Matt Spellman. Mr. Garrison said that the railing isn't even required as the distance from the ground to the deck is 29" and a railing is only required if the height is 31". He is just trying to make the porch safer by adding a railing. Mr. Garrison read Section 507 of the Building Code for Historic Structures which says that the requirement is only triggered by an unsafe condition. He also cited Chapter 12 regarding Historic Buildings. Though it related mostly to the interior of structures, it states that guards are not mandatory on historic stairways.

Vice-Chairman Shiring has conferred with the Township Solicitor and the Supervisors do not have the jurisdiction to waive a building code requirement. Vice-Chairman Shiring suggested that Mr. Garrison have a conversation with the Building Code Official, Vincent DiMartini, and present the information he provided to the Board regarding his opinion that the steel cable is not required on the railing.

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

HISTORICAL COMMISSION AND HARB REPORT

CLARK/1045 BIRMINGHAM ROAD/PATIO, FIREPLACE, ROOF

At its meeting on June 21st HARB recommended that a Certificate of Appropriateness be issued to Glenn and Dawne Clark, 1045 Birmingham Road, for the addition of a fireplace with a sitting wall; the replacement of the back patio; and the replacement of the roof on the smokehouse outbuilding. The fireplace will be a natural stone veneer in Seafoam Mist by Damico Quarry. The patio will be 40' x 15' with irregular Pennsylvania flagstone. The roof will be Kynar finished 26 gauge; double lock standing seam roof; and color Matte Black.

The Historical Commission reviewed the Clarks application at its meeting on June 28th.

Supervisor Hill moved to approve the Certificate of Appropriateness for the Clarks as recommended by HARB and to accept the recommendation from the Historical Commission for HR#11. Vice-Chairman Shiring seconded the motion which was approved.

HISTORICAL COMMISSION REPORT

1388 OLD WILMINGTON PIKE

Mary Kate Jacoby, applicant, was present to explain her plans for a proposed restaurant as the tenant for the Inn Keeper's Kitchen property. At its meeting on June 28th the Historical Commission recommended approval for the renovations to the interior kitchen from a demonstration kitchen to a commercial kitchen, floor and bar area of the Inn Keeper's Kitchen. A new sign will be erected in the same location as the existing sign. (The sign will be reviewed by HARB at its July meeting.) A new, larger exhaust fan will be erected on the back of the building. The existing fan is 17" x 23" and the new fan will be 32" x 24".

Supervisor Hill moved to accept the recommendation by the Historical Commission for the restaurant renovations for 1388 Old Wilmington Pike. Vice-Chairman Shiring seconded the motion which was approved.

ZONING HEARING BOARD APPLICATION

WRAZEN/1077 SQUIRE CHEYNEY DRIVE/PATIO, GARAGE AND PARKING

The Zoning Hearing Board is meeting on July 20th to consider the application of Chris & Kristy Wrazen, 1077 Squire Cheyney Drive, for relief from Section 122-24.C (maximum lot coverage) and Section 122-24.I (minimum green space) of the Township Code in order to expand the existing rear patio; and construct a detached garage with an additional paved parking area.

Dan Popplewell, P.E. with Nepo Associates was present on behalf of the Wrazens, new homeowners for the property. This is an existing non-conforming lot with respect to impervious coverage. The ordinance requirement is 10% and the existing impervious is 13.11%. With the addition of the patio impervious increases to 14.07% and with the garage and additional paving impervious will be 18.3%, less than a 5% increase in impervious cover. A land disturbance application has been submitted to Arro Consulting.

Vice-Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board. Supervisor Hill seconded the motion which was approved.

IRS INCREASE FOR MILEAGE REIMBURSEMENT

In order to be in alignment with the IRS guidelines, Vice-Chairman Shiring moved to increase the reimbursement rate for the use of a personal vehicle on township business from \$.585/mile to \$.625/mile effective July 1, 2022. Supervisor Hill seconded the motion which was approved.

AUTHORIZE ADVERTISING FOR BIDS FOR STORM PIPE REPLACEMENT ON GENERAL LAFAYETTE BLVD. & FORSYTH LANE

Both sides of the storm pipe at the intersection of General Lafayette Blvd. and Forsyth Lane have failed and are collapsing and compromising the condition of the roadway. After videoing the pipe it was determined that the pipe needed to be replaced immediately. Vice-Chairman Shiring moved to authorize advertising for bids for the storm pipe replacement at General Lafayette Blvd. and Forsyth Lane with bids to be opened at the September 6th meeting. Supervisor Hill seconded the motion which was approved.

PUBLIC COMMENT

Dan Popplewell said that the Borough of West Chester has imposed a tax for stormwater compliance. He is working with municipalities that are establishing escrows for the three and five year inspection requirements for stormwater.

Vice-Chairman Shiring said that he is extremely bothered by the option that residents have to put out additional funds in order to satisfy the stormwater compliance requirement.

Mr. Kesarkar, 1370 Old Wilmington Pike, was present. He had sent an e-mail to the Township regarding a shed being constructed on his property. Vice-Chairman Shiring acknowledged receipt of Mr. Kesarkar's e-mail.

The meeting was adjourned at 7:42 PM. (MTS;JDH)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS
SPECIAL MEETING
ACT 167 STORMWATER ORDINANCE UPDATE
JULY 15, 2022**

A special meeting to discuss the Act 167 Stormwater Ordinance update was duly advertised in the Daily Local News on July 11, 2022. The meeting was called to order at 12 PM by Chairman Boorse. A quorum of Supervisors was declared.

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

Participating by phone was Solicitor Kristin Camp.

Per Solicitor Camp, the Township must update its stormwater management ordinance and adopt the revised model Act 167 Ordinance that was adopted by Chester County on February 10, 2022. The amendment is required in order to comply with the PA Department of Environmental Protection's (DEP) MS4 program and update to the State's model stormwater ordinance. All municipalities are required to adopt the updated ordinance by September 30, 2022. There are 57 changes to the ordinance, some of which are policy decisions and some are mandated. DEP has suggested three changes to the County model. The County ordinance is being updated and reapproved in August. The working draft of the ordinance delineates the proposed changes in colors with green being additions; red being deletions; and yellow being optional.

Solicitor Camp met with the Township Engineer, Dave Schlott and Vice-Chairman Shiring to review the proposed changes on behalf of the Township. On the optional proposed changes the Township is not taking the opportunity to make the ordinance more stringent. When this ordinance was adopted in 2013, the Supervisors took the approach of adopting the least restrictive requirements. One change which requires input from the Board is a new Section 706, for which there are two options.

Option 1 is for municipalities who elect to conduct inspections of stormwater best management practice facilities (BMP's) for proper operation and maintenance themselves and requires persons responsible for the operation and maintenance of BMP's to pay into a fund to cover the cost of inspections and any maintenance the municipality undertakes.

Option 2 is for municipalities who elect to place the responsibility of inspections of BMP's on the responsible party.

The municipality may also choose to develop their own version that is a modified version of either option, as long as the inspection frequencies are consistent with the DEP 2022 Model Stormwater Ordinance.

Inspections are to be annually for the first five years and once every 3 years thereafter and after every ten year storm.

There are pros and cons to each option which were discussed.

- Will rural landowners do the required inspections and submit reports to the Township and follow the timeline for those inspections.
- Should the Township pay a consultant to do the inspections and bear the cost or set up some sort of escrow for the cost.
- A spreadsheet should be kept of all the BMP's. Who should keep it, township or consultant and who covers the costs
- There are administrative requirements and additional costs under each option.
- Cost to the homeowner for an inspection after a ten year storm would be \$150. - \$200.

There was discussion as to what level additional impervious cover needs more review. The 2013 ordinance requires:

- No stormwater management for additional impervious cover up to 1,000 sq. ft.
- Between 1,000 and 2,000 sq. ft. a simplified stormwater management plan is required but not a fully engineered plan.
- Over 2,000. sq. ft. there is a mandatory requirement for a fully engineered plan.
- For redevelopment of an existing site with impervious cover 20% of the lot was considered meadow which has increased to 40%, which is good for infiltration.

Vice-Chairman Shiring said that most municipalities are staying with 20%. Urban areas that are prone to flooding, like the Borough of West Chester, are going to 40%.

Vice-Chairman Shiring noted that the impervious cover calculations are cumulative since the adoption of the 2013 ordinance. Each project for the property, even if all are under the 1,000 sq. ft, are included in the calculations for impervious cover.

Chairman Boorse said he would like to eliminate the Simplified Approach and just begin the requirements at 2,000 sq. ft. Solicitor Camp said this was not an option.

The Supervisors also have a choice of whether to include decks and swimming pools in the calculations. The definition of impervious cover was reviewed. The Board agreed that swimming pools should be included but there was some discussion on decks as water can infiltrate through the cracks of a deck and many decks are raised off of the ground. It was decided to add decks at another place in the definition of impervious cover. "Uncompacted gravel areas with no vehicular traffic, such as gardens, walkways, *decks*, or patio areas, shall be considered pervious per review by the Municipal Engineer.

The Supervisors were not in favor of Option 1 and wanted the least involvement by the Township.

There was discussion on how a ten year storm is determined and DEP involvement in the Township's inspection process as well as the administrative burden of keeping track of the inspections through a possible software system as well as tracking escrows. Sending letters to

residents reminding of the requirements and the regulations as well as posting a notice on the web site was mentioned. It was suggested that the Municipal Engineer should put together a checklist template for the residents for the inspections. There was discussion on how new residents would know about the requirements. Solicitor Camp stated that the stormwater management agreement is recorded against the property.

It was agreed by the Board that the ordinance proposal would include Option 2 where the residents would be responsible for the inspections and providing the inspection reports to the Township.

The only other option discussed and not included in the ordinance proposal was the riparian buffer easement where the riparian buffer would have to be maintained in its natural state with natural species for a certain number of feet off of the embankment.

The ordinance will be advertised at the August 1st meeting for action at the September 6th meeting.

The meeting was adjourned at 1 PM. (SCB;JDH)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

07-Sep-22

From: 07-Jun-22 To: 11-Jul-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
21621	6/13/2022	366	BUCKLEY,BRION,MCGUIRE	\$2,254.00	O
21622	6/13/2022	4	CONCORDVILLE FIRE & PR	\$37,278.00	O
21623	6/13/2022	775	CONVENIENT CAR CARE C	\$459.70	O
21624	6/13/2022	232	ELYSE/BERBEN INSIGNIA	\$300.20	O
21625	6/13/2022	46	GALLS, LLC	\$98.15	O
21626	6/13/2022	1002526	MCDONALD UNIFORM CO., I	\$1,450.20	O
21627	6/13/2022	811	S&S CLEANING SERVICE	\$388.00	O
21628	6/13/2022	746	V.E. RALPH & SON,INC.	\$174.07	O
21631	6/20/2022	11	21ST CENTURY MEDIA - PHI	\$438.86	O
21632	6/20/2022	2	FREEDOM SYSTEMS	\$140.00	O
21633	6/20/2022	1002423	L-TRON CORPORATION	\$736.74	O
21634	6/20/2022	1002526	MCDONALD UNIFORM CO., I	\$149.98	O
21635	6/20/2022	3	PA TWP HEALTH INS COOP	\$203.50	O
21636	6/20/2022	1002803	POWER HOME SOLAR, LLC	\$100.00	O
21637	6/20/2022	171	REILLY & SONS INC.	\$1,576.22	O
21638	6/20/2022	75	RJCRAIG GRAPHICS & DESI	\$120.00	O
21639	6/20/2022	1001833	STAPLES BUSINESS ADVAN	\$392.43	O
21640	7/11/2022	8	10-8 EMERGENCY VEHICLE	\$14,950.93	O
21641	7/11/2022	43	A & D ELECTRIC INC.	\$605.00	O
21642	7/11/2022	456	A F DAMON COMPANY, INC	\$27,699.71	O
21643	7/11/2022	1001926	AJ BLOSENSKI, INC.	\$170.80	O
21644	7/11/2022	557	ALL SEASONS LANDSCAPIN	\$965.03	O
21645	7/11/2022	1002659	ARRO CONSULTING, INC	\$24,058.55	O
21646	7/11/2022	1002659	ARRO CONSULTING, INC	\$1,021.50	O
21647	7/11/2022	9	BRUCE E MAPES, PHD	\$200.00	O
21648	7/11/2022	617	CHESTER WATER AUTHORI	\$653.40	O
21649	7/11/2022	1002806	CHIRS BOYLE LAW ENFORC	\$396.00	O
21650	7/11/2022	1002121	CLEVENS K-9 SCOOP	\$228.00	O
21651	7/11/2022	70	CONCORD AUTO BODY, INC	\$7,808.77	O
21652	7/11/2022	775	CONVENIENT CAR CARE C	\$769.45	O
21653	7/11/2022	1002606	CRYSTAL SPRINGS	\$84.32	O
21654	7/11/2022	1001966	EAGLE POINT GUN	\$923.70	O
21655	7/11/2022	46	GALLS, LLC	\$304.86	O
21656	7/11/2022	702	GEORGE SPYROPOULOS, D	\$300.00	O
21657	7/11/2022	422	HARRY TILLMAN AUTOMOTI	\$1,852.61	O
21658	7/11/2022	1002793	HOFFMANS EXTERMINATIN	\$100.00	O
21659	7/11/2022	1002808	IDVILLE	\$137.07	O
21660	7/11/2022	517	INDEPENDENCE BLUE CRO	\$3,858.32	O

Check Register**BIRMINGHAM TOWNSHIP**

07-Sep-22

From: 07-Jun-22 To: 11-Jul-22

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
21661	7/11/2022	1002810	KEVIN J. WHITE	\$140.00	O
21662	7/11/2022	205	PARKWAY DRY CLEANERS,	\$231.65	O
21663	7/11/2022	171	REILLY & SONS INC.	\$1,348.98	O
21664	7/11/2022	507	ROTHWELL DOCUMENT SO	\$297.83	O
21665	7/11/2022	811	S&S CLEANING SERVICE	\$388.00	O
21666	7/11/2022	1002792	SUNNY GARDEN LANDSCAP	\$1,390.50	O
21667	7/11/2022	278	UNRUH, TURNER, BURKE &	\$1,916.50	O
21668	7/11/2022	746	V.E. RALPH & SON, INC.	\$121.84	O
Bank Total:				\$139,183.37	
Bank Account: 22 GF - Electronic Payments					
100007	6/27/2022	80	AQUA PENNSYLVANIA	\$2,493.68	O
100008	6/27/2022	1001902	COMCAST BUSINESS	\$159.89	O
100009	6/27/2022	29	PECO ENERGY	\$523.94	O
100010	6/27/2022	30	PECO ENERGY (TRAFFIC LI	\$19.66	O
100011	6/27/2022	1002798	TRUMARK FINANCIAL CRED	\$1,118.55	O
100012	6/27/2022	61	VERIZON 753-804-167-0001-	\$359.67	O
100013	7/11/2022	80	AQUA PENNSYLVANIA	\$83.59	O
100014	7/11/2022	1001902	COMCAST BUSINESS	\$159.89	O
100015	7/11/2022	29	PECO ENERGY	\$456.04	O
100016	7/11/2022	30	PECO ENERGY (TRAFFIC LI	\$91.01	O
100017	7/11/2022	61	VERIZON 753-804-167-0001-	\$359.95	O
100018	7/11/2022	1001913	VERIZON WIRELESS 722423	\$159.67	O
100019	7/11/2022	80	AQUA PENNSYLVANIA	\$2,685.58	O
100030	7/7/2022	517	INDEPENDENCE BLUE CRO	\$3,858.32	O
Bank Total:				\$12,529.44	
Total Of Checks:				\$151,712.81	