

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
DECEMBER 5, 2016**

ORDINANCE HEARINGS

Prior to the regular meeting, the Board of Supervisors held a hearing at 7 PM to consider three ordinances. The hearing was transcribed by Court Reporter Colleen Pimer. Three ordinances were approved for adoption.

Ordinance 16-01 –Amends Chapter 122 (Zoning) of the Birmingham Township Code to (i) delete certain definitions; (ii) modify certain of the use regulations and design standards for the C-1 (Highway Commercial), C-2 (Heavy Commercial) and C-2A (Limited Highway Commercial) districts; (iii) eliminate the C-3 (General Commercial) district; (iv) amend the commercial components of the Birmingham Township Zoning Map; and (v) amend Appendix B, titled “Table of Area and Bulk Regulations”.

Ordinance 16-02 – Amends Chapter 61 of the Birmingham Township Code, Titled, “Historic Districts”, Section 61-3.E(2) and the historic district guidelines, Section A127-4.(C)((8) regarding the maximum height of fences.

Ordinance 16-03 –Amends Chapter 94 of the Birmingham Township Code, Titled, “Sewers” to add a new article IV titled “alternate and experimental sewage systems, individual residential spray irrigation systems and small flow treatment facilities”.

REGULAR MEETING

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Conklin with the pledge of allegiance. A quorum of Supervisors was declared.

John Conklin	-	Chairman, Board of Supervisors
Scott Boorse	-	Vice-Chairman, Board of Supervisors
Mike Shiring	-	Member, Board of Supervisors

Chairman Conklin moved to approve the November 7, 2016 minutes as written. Supervisor Shiring seconded the motion and the minutes were unanimously approved.

Vice-Chairman Boorse moved to approve the bills submitted for payment. Chairman Conklin seconded the motion and the bills were unanimously approved. General Fund bills totaled \$56,510.49. Sewer Fund bills totaled \$7,232.35.

ROAD REPORT

Dave Rathbun, Roadmaster, reported that Page Excavating had completed the inlet work on Legacy Lane. There are sink holes around an inlet on Sherbrooke Drive that were temporarily fixed by Page Excavating Company. A permanent repair to this inlet, which goes under the road, will be included in the 2017 road program. The scope of the work cannot be determined until it is dug up. Supervisor Shiring asked if the sink holes were in the right-of-way of the road or in the open space? Mr. Rathbun replied that one sink hole was definitely in the right-of-way and the other appeared to be on the edge of the right-of-way.

Mr. Rathbun provided the Board with a scope of work for the 2017 Road Program with an estimated base scope of work totaling \$88,900. There are four add-alternate items that will be included in the bidding with the intent to keep the cost of the 2017 Road Program under \$100,000. Supervisor Shiring moved to authorize advertising on the 2017 Road Program for the scope of work dated 11/29/2016 with advertising on January 9th and January 20th for bid opening at the February 6, 2017 meeting. Vice-Chairman Boorse seconded the motion which was unanimously approved.

POLICE REPORT

Chief Nelling reported for the month of November 2016. There were 1,239 incidents including 12 criminal arrests of which 7 were DUI's. There were five vandalism complaints which were related to Mischief Night and Halloween. There were 7,612 patrol miles logged on the vehicles during the month. Chairman Conklin moved to accept the Police Report. Vice-Chairman Boorse seconded the motion which was unanimously approved.

ADOPTION OF 2017 FINAL BUDGET

It was duly advertised in the Daily Local News on November 9th that the preliminary budget for 2017 was available for inspection with the final budget to be adopted at tonight's meeting. There were no changes to the preliminary budget, dated 11/2/16. The millage rate remains constant at 1.6 mills. Chairman Conklin moved to adopt the preliminary 2017 budget as the final budget for 2017. Supervisor Shiring seconded the motion and the budget was unanimously approved.

PUBLIC COMMENT

The Commonwealth of PA Sunshine Law Act 93 (as amended in 1998) requires public comment to be held before official action is taken.

Harry Miller, Bottom Lane, was present to thank Chief Nelling and the Police Department for their quick response and professionalism in the handling of the accident at his house in September. Mr. Miller also thanked the Board for providing such high quality emergency services to the residents of the Township.

Robert Belutty and Jim Arbuckle, Arrowhead Drive residents, were present to request the imposition of strict ordinances for property maintenance similar to the ordinances on the books for the preservation of historical properties. The reason for the request is that the house at 1160 Arrowhead Drive has been abandoned for over a year. It will eventually be taken over by the bank. Mr. Belutty has discussed the vacant house with the Township Office and the Zoning Officer. The Township has previously sent a letter to the property owner requesting compliance with the property maintenance code. Mr. Belutty said the neighbors are cutting the grass because they are tired of looking at it. Mr. Arbuckle said that when he recently owned a house in Chester that if his grass grew above 8 inches he would get a summons requiring it to be cut. He also felt that if this abandoned house was on the street where one of the Supervisors lived that the issue would have already been addressed.

It was explained that the Township enforces the State Uniform Construction Code. Supervisor Shiring said that there are some magistrate options for enforcement of the Code. Chairman

Conklin added that the Township has been through this arduous process before. Often letters to the property owners or mortgage companies can get results. Going through the legal system takes several years; often bankruptcy, as well as the Board's approval of funds for legal expenses to pursue property maintenance. There is a limit as to the funds that the Board will approve for legal expenses and limitations on the township's involvement when the issue gets turned over to the courts.

Barrie Engel, 1345 Wilmington Pike, said she was in receipt of a letter from the Township Solicitor that action would be taken on an ordinance affecting commercial zoning at 7:30 PM. The Board explained that the ordinance hearings were at 7 PM as was duly advertised in the Daily Local News and action was taken on the ordinances at the conclusion of the hearing. Ms. Engel was provided with an unexecuted copy of the ordinance that was adopted by the Board. She was advised to contact the Township after reading the ordinance if she had any questions. Chairman Conklin explained that the Board accumulates suggested changes to the ordinances on the books throughout the year and then holds a hearing to act on them.

Gillian Fitzpatrick, Heritage Drive resident in Birmingham Hunt, was representing "Neighbors for Crebilly Farm". She requested the Township's representation at the Westtown Township hearings on the proposed high density development of Crebilly Farm as she feels the development will impact Birmingham Township more than Westtown Township in various issues such as environmental; watershed; traffic; and the installation of a new traffic signal on Rt. 926. Ms. Fitzpatrick would like to attend the January meeting to discuss this issue further.

Harry Miller concurred that the traffic impact of the development was going to be a nightmare for the residents of Birmingham Township, especially at the intersection of Rt. 926 and Rt. 202. He thought the opening of Stadium Road by West Chester University would be extremely helpful in relieving the traffic impact from the development.

Chairman Conklin stated that the Board is being kept apprised of the development through the Township Solicitor, Kristin Camp, who is the Planning Commission Solicitor for Westtown Township.

The meeting was adjourned at 7:59 PM. (JLC;MTS)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

21-Nov-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN GENERAL FUND				
18217	11/21/2016	11	21ST CENTURY MEDIA - PHILLY	\$89.21
18218	11/21/2016	1001926	AJ BLOSENSKI, INC.	\$147.74
18219	11/21/2016	884	ARAMARK	\$55.29
18220	11/21/2016	1002121	CLEVENS K-9 SCOOP LLC	\$105.00
18221	11/21/2016	775	CONVENIENT CAR CARE CORPO	\$499.00
18222	11/21/2016	21	H. A. THOMSON	\$12,390.28
18223	11/21/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$224.97
18224	11/21/2016	178	PAGE EXCAVATING COMPANY,I	\$9,890.00
18225	11/21/2016	30	PECO ENERGY (TRAFFIC LIGHT)	\$53.15
18226	11/21/2016	554	RED THE UNIFORM TAILOR	\$676.01
18227	11/21/2016	171	REILLY & SONS INC.	\$586.83
18228	11/21/2016	26	SIGNAL SERVICE INC.	\$150.00
18229	11/21/2016	1001833	STAPLES BUSINESS ADVANTAG	\$853.05
18230	11/21/2016	23	VANDEMARK & LYNCH, INC.	\$11,238.45
18231	11/21/2016	1002154	VERIZON 610-4291316 676	\$53.16
18232	11/21/2016	61	VERIZON 610-793-2600-794	\$325.77
18233	11/21/2016	917	WITMER PUBLIC SAFETY GROU	\$3,514.00
Bank Totals:				\$40,851.91
Total Of Checks:				\$40,851.91

Check Register**BIRMINGHAM TOWNSHIP**

21-Nov-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN SEWER FUND				
9054	11/21/2016	1002016	COURIER SYSTEMS, INC.	\$2.50
9055	11/21/2016	1001859	COYNE CHEMICAL	\$2,460.00
9056	11/21/2016	798	PA ONE CALL SYSTEM, INC.	\$27.06
9057	11/21/2016	29	PECO ENERGY	\$1,916.85
9058	11/21/2016	586	VERIZON 610-399-6923 315	\$89.62
Bank Totals:				\$4,496.03
Total Of Checks:				\$4,496.03

Check Register**BIRMINGHAM TOWNSHIP**

05-Dec-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN GENERAL FUND				
18234	12/5/2016	11	21ST CENTURY MEDIA - PHILLY	\$370.08
18235	12/5/2016	80	AQUA PENNSYLVANIA	\$61.00
18236	12/5/2016	884	ARAMARK	\$54.99
18237	12/5/2016	469	BIRMINGHAM TOWNSHIP SEWE	\$38.98
18238	12/5/2016	366	BUCKLEY,BRION,MCGUIRE ATTY	\$760.98
18239	12/5/2016	873	CARDMEMBER SERVICE	\$473.37
18240	12/5/2016	51	CHESTER COUNTY TREASURER	\$414.18
18241	12/5/2016	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
18242	12/5/2016	1001902	COMCAST CABLE	\$104.85
18243	12/5/2016	707	DAVID S RATHBUN	\$43.20
18244	12/5/2016	1001908	DEBRA GALLEK	\$190.00
18245	12/5/2016	1002011	FRANCOTYP-POSTALIA INC	\$474.00
18246	12/5/2016	46	GALLS, LLC	\$42.95
18247	12/5/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$875.90
18248	12/5/2016	1002245	HOME DEPOT CREDIT SERVICE	\$39.72
18249	12/5/2016	517	INDEPENDENCE BLUE CROSS	\$4,429.72
18250	12/5/2016	1002052	JENNIFER A BOORSE	\$700.00
18251	12/5/2016	1002023	KEY BUSINESS SOLUTIONS	\$126.22
18252	12/5/2016	1001755	MAJIC LANDSCAPES	\$1,758.00
18253	12/5/2016	904	MATTHEW BENDER & CO.,INC	\$90.08
18254	12/5/2016	178	PAGE EXCAVATING COMPANY,I	\$480.00
18255	12/5/2016	205	PARKWAY DRY CLEANERS, INC.	\$11.69
18256	12/5/2016	554	RED THE UNIFORM TAILOR	\$955.90
18257	12/5/2016	171	REILLY & SONS INC.	\$818.71
18258	12/5/2016	811	S & S CLEANING SERVICE	\$566.23
18259	12/5/2016	26	SIGNAL SERVICE INC.	\$1,375.00
18260	12/5/2016	1001833	STAPLES BUSINESS ADVANTAG	\$103.78
18261	12/5/2016	426	THE WATER GUY	\$66.42
18262	12/5/2016	1001913	VERIZON WIRELESS	\$148.63
Bank Totals:				\$15,658.58
Total Of Checks:				\$15,658.58

Check Register

BIRMINGHAM TOWNSHIP

05-Dec-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN SEWER FUND				
9059	12/5/2016	80	AQUA PENNSYLVANIA	\$1,188.36
9060	12/5/2016	366	BUCKLEY,BRION,MCGUIRE ATTY	\$227.00
9061	12/5/2016	1001859	COYNE CHEMICAL	\$814.30
9062	12/5/2016	1001755	MAJIC LANDSCAPES	\$450.00
9063	12/5/2016	574	WASTE MANAGEMENT OF SOUT	\$56.66
Bank Totals:				\$2,736.32
Total Of Checks:				\$2,736.32