

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
JUNE 5, 2017**

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. The following Township officials were in attendance:

John Conklin	-	Chairman
Scott Boorse	-	Vice-Chairman
Mike Shiring	-	Supervisor
Kristin Camp	-	Township Solicitor

Chairman Conklin moved to approve the May 1, 2017 minutes as written. Vice-Chairman Boorse seconded the motion and the minutes were unanimously approved.

Vice-Chairman Boorse moved to approve the bills written since the May meeting. Supervisor Shiring seconded the motion and the bills were unanimously approved. General Fund bills totaled \$121,223.99. Sewer Fund bills totaled \$21,605.32 State Fund Check #183 was approved for payment to Innovative Construction Services, Inc. for \$56,321.50 for Invoice #13548 for the 2017 Road program.

**SWEAR IN POLICE OFFICER**

With his twin brother holding the bible, Matthew Muscari was sworn in as a part-time Police Officer by Police Commissioner Scott Boorse.

**NPDES UPDATE**

The Township held two public meetings on March 22 and May 9<sup>th</sup> to meet with the Township Engineer, VanDemark & Lynch, Inc., to discuss the Township's requirements under the NPDES MSIV permit for discharging stormwater into drains in the Township. Over the next five years the Township will need to budget approximately \$122,500. to address upgrades to locations in the Township to comply with the permit requirements. All of the proposed stormwater retrofits in the Watershed B15 (Radley Run to the Brandywine Creek) are proposed in open space areas of various subdivisions in the Township. These include the Birmingham Hunt open space south of Heritage Drive and north of Sumner Way; the Radley Run open space behind 1121 Independence Drive; the Dilworthtown Oak Estates (Pheasant Run) open space; the Reserve at Chadds Ford open space and Masters Way loop. The Township is also required to develop a pollution reduction plan for sediment in the Chester Creek Watershed. There is one mapped Township outfall in this watershed which drains Faucett Drive into a swale which becomes the headwaters of the Chester Creek. VanDemark & Lynch is proposing to reconfigure the existing basin on the Carousel Hyundai parcel to retain additional runoff. The Township will need to discuss the proposed retrofits with the landowners and negotiate agreements for the construction, operation and maintenance associated with the retrofits.

A formal plan will be presented to the Supervisors at the July 10<sup>th</sup> meeting. Supervisor Shiring will compose letters to the affected property owners to invite them to the meeting to discuss the NPDES requirements and access rights.

### **FLOODPLAIN ORDINANCE**

The Township must adopt a zoning ordinance amendment to be compliant with the FEMA maps and regulations. A model ordinance has been provided to the townships in the Commonwealth by FEMA and DCED. The Township's legal counsel, Kim Venzie and Kristin Camp, have incorporated the by right and special exception uses that are in the Township's existing ordinance into the model ordinance. Solicitor Camp noted that there were not a lot of discretionary decisions or edits that could be made. The Township must adopt this ordinance to ensure that the residents can receive flood insurance for their properties. The Township's current floodplain ordinance is set up as an overlay district. The model ordinance provided by the Commonwealth is not set up as an overlay. The ordinance will replace Article 13 of the Zoning Ordinance.

At its meeting on May 9, 2017, the Planning Commission reviewed the draft prepared by the Solicitor and recommended four changes which have been incorporated into the draft before the Board for consideration.

Leslie Rhoads, an independent contractor hired by the Commonwealth to ensure compliance with the floodplain ordinance update, has reviewed the Township's floodplain ordinance and approved it on behalf of DCED as being compliant with the requirements.

Chairman Conklin moved to authorize advertising for the floodplain ordinance hearing for Monday, July 10<sup>th</sup> @ 7:30 PM. Supervisor Shiring seconded the motion which was unanimously approved.

### **STOLTZFUS CONDITIONAL USE DECISION/ZHB VARIANCE POSITION**

The Township held a conditional use hearing on March 6<sup>th</sup> to consider the application of Earl Stoltzfus of 1345 Wilmington Pike to develop a new and used motor vehicle sales agency, including customer service and repair facilities, on the adjacent Brandywine Patio property at 1335 Wilmington Pike which will be used in conjunction with his existing Stoltzfus RV Sales and Service business.

A draft order has been prepared by the Township Solicitor and circulated to the Board. Supervisor Shiring moved to approve the Conditional Use Order for Earl Stoltzfus with ten conditions as drafted and circulated by the Township Solicitor. Vice-Chairman Boorse seconded the motion which was unanimously approved.

The Conditional Use Order requires Mr. Stoltzfus to obtain a variance from Section 122-109 to redevelop a non-conforming lot which does not meet all area and bulk requirements or in the alternative obtain variances from the applicable area and bulk requirements that the plans do not meet.

Supervisor Shiring proposed supporting the Zoning Hearing Board application which is consistent with the approved conditional use decision. Also, the plan is improving the property by lessening the existing non-conformities for lot coverage from 94.7% to 77.1% and the minimum green area from 5.3% to 22.9%. Vice-Chairman Boorse agreed that the variance was necessary but preferred to take a non-position on the application. Chairman Conklin agreed with the conditional use approval which requires the variance but wanted to defer to the ZHB to do its job. Chairman Conklin moved to take a non-position on the ZHB variance request as required in the conditional use order for Earl Stoltzfus. Supervisor Shiring seconded the motion which was unanimously approved.

#### **LAWLESS/1196 HAMPSHIRE PLACE/ZHB VARIANCE APPLICATION**

Joan Lawless, 1196 Hampshire Place, Spring Meadows, has applied for a variance from Section 122-24.C of the ZO to allow an additional 302 square feet of impervious coverage and from Section 122-24.I to decrease the minimum green space on the lot. The allowable lot coverage is 10%. The existing lot coverage is 11.3% of the net lot area and the proposed lot coverage is 11.7%. The existing green space is 88.7% and the proposed green space is 88.3%. The variance is requested for improvements to the property which include a new garage and driveway area; a retaining wall; a new porch and steps for the house and a new flagstone patio and walk. An existing flagstone walk and paver patio will be removed.

The Board of Supervisors was not opposed to the variance request as it was diminimus but chose to take a non-position on the application as motioned by Supervisor Shiring; seconded by Chairman Conklin and approved all in favor.

#### **LAND SOURCE (STARBUCKS)/1304 WILMINGTON PIKE/ZHB VARIANCE APPLICATION**

Lou Colagreco, legal counsel representing Land Source, LLC (John Jordan), was present to request a variance from Section 122-102.A(1)(b)(10) to permit 17 parking spaces instead of the required 41 parking spaces for a proposed use of a Starbucks eating and drinking establishment with drive-through facility at 1304 Wilmington Pike where the vacated Eagle Bank is located. This property is a condominium with three uses, the other two being an office building and Freddy's Restaurant. All three businesses share the 91 parking spaces on the property. Eight more parking spaces will be created on the south side of the bank building with the elimination of part of the drive-through area. Mr. Colagreco said an amendment would be forthcoming which would change the existing parking from 17 to 20. Matt Chartrand, P.E. with Bohler Engineering presented the proposal to the Board. Discussion ensued on the legal number of required parking spaces and the practical number of spaces. The allocation of the 91 parking spaces is 12 to the bank; 48 for the office building and 31 for Freddy's Restaurant. Solicitor Camp noted that 10 spaces are dedicated to the bank so there are really only 81 parking spaces to be used as common elements.

Steve DiMarco, owner of Freddy's, was supportive of the application and indicated that the main traffic at Starbucks is 5:30 AM – 10:30 AM and his business doesn't open until 11 AM so the high traffic volumes would be at different times of the day for each business.

Vice-Chairman Boorse confirmed with the applicant that there would be no size adjustments to the building. However, there may be a request for outdoor seating.

It was also discussed that that application would require conditional use approval. The Township will confer with the Township Engineer for the need for land development approval as well.

Chairman Conklin moved to take a non-positon on the application and defer to the expertise of the Zoning Hearing Board. Vice-Chairman Boorse seconded the motion. Supervisor Shiring abstained from voting as his firm was representing the applicant. The motion was carried with two in favor and one abstention.

#### **DEMATTEIS/1135 ALEXANDER LANE/DRIP IRRIGATION AGREEMENT**

Solicitor Camp explained that the Township ordinance requires that alternative technology sewage systems require the execution of an installation and maintenance agreement to be recorded against the deed of the property. Mark DeMatteis of 1135 Alexander Lane is proposing the installation of a drip irrigation system on his property. The agreement has been reviewed by the Township's Sewer Engineer and executed by Mr. DeMatteis. Chairman Conklin moved to approve the sewer agreement for 1135 Alexander Lane. Vice-Chairman Boorse seconded the motion which was unanimously approved.

#### **HISTORICAL COMMISSION CRITERIA FOR HISTORICAL RESOURCES**

At its May 23<sup>rd</sup> meeting, the Historical Commission finalized proposed criteria for the designation of a Township Historic Resource and has forwarded it to the Supervisors for consideration. The proposed criteria are as follows:

1. 50 years old or older; and meets at least one of the following criteria:
2. Associated with events that have made a significant contribution to the broad patterns of our national, state, or local history; or
3. Associated with the lives of persons significant in our past; or
4. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity, including historic vernacular landscapes whose components may lack individual distinction; or
5. Has or may likely yield information important in pre-history or history; or
6. Is on or is eligible for listing on the National Register of Historic Places.

Chairman Conklin noted that the list of criteria is new and not an amendment to an existing list.

The Supervisors felt they could not consider the criteria without having a list of historical resources. This proposition was new to the Board and was tabled for future discussion.

#### **EAST BRADFORD TOWNSHIP OFFICIAL MAP**

At its meeting on May 9<sup>th</sup> the Planning Commission reviewed the proposed update to the East Bradford Township Official Map. The Planning Commission noted that the map contains three trails which would end when they reach the Birmingham Township border. Chairman Conklin moved to commend East Bradford Township on the update to its official map with no comment

but requested that the notation from the Planning Commission be forwarded to East Bradford Township. Supervisor Shiring seconded the motion which was unanimously approved.

### **RESOLUTION TO APPOINT BBD, LLP FOR 2017 AUDIT**

It was duly advertised in the Daily Local News on May 3<sup>rd</sup> that at tonight's meeting the Township would be considering the appointment of BBD, LLP, which is a duly licensed and registered accounting firm in the Commonwealth of Pennsylvania, to make an examination of all Township accounts for the year 2017 for a fee of \$5,000.00. Supervisor Shiring moved to appoint BBD, LLP to perform the 2017 audit. Vice-Chairman Boorse seconded the motion which was unanimously approved.

### **POLICE REPORT**

Chief Nelling reported for the month of May. There were 1,172 incidents during the month, including eight criminal arrests, and 7,765 patrol miles logged on the vehicles. Police Commissioner Boorse confirmed with the Chief that there were no incidents with the recent opening of the Freddy's Restaurant.

Chief Nelling asked for approval from the Board to install traffic sensory detection cameras on the traffic signal at the intersection of Rt. 926 and Birmingham Road to replace the broken loops in the asphalt which are currently used for traffic detection. With the installation of the cameras the signal will stay green on Rt. 926 until traffic is detected by video on Birmingham Road. The cost to replace the broken loops is \$4,000. while the cost for the installation of the cameras is \$7,500. Chief Nelling said that the camera system is currently used in Concord Township with minimal problems. Vice-Chairman Boorse moved to approve the \$7,500. expenditure for the traffic sensory detection camera installation at the Rt. 926/Birmingham Road intersection. Supervisor Shiring seconded the motion which was unanimously approved.

It was discussed that Chadds Ford Township was awarded a "Green Go Light Go" grant to install detection cameras at Brinton's Bridge Road and Rt. 202, to compensate for the broken detection loop at that intersection. PennDOT is planning on installing adaptive technology signals at the traffic signals along Rt. 202, however this work will not be done before the summer of 2018. Chadds Ford Township may proceed with the installation of the detection cameras upon receipt of the grant money in order to alleviate congestion at the intersection.

### **PUBLIC COMMENT**

There was no public comment.

The meeting was adjourned at 8:37 PM. (JLC:SCB)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer



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

08-May-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
18495	5/9/2017	11	21ST CENTURY MEDIA - PHILLY	\$195.41
18496	5/9/2017	80	AQUA PENNSYLVANIA	\$99.99
18497	5/9/2017	1002277	BRANDYWINE BATTLEFIELD PAR	\$234.00
18498	5/9/2017	9	BRUCE E MAPES, PHD	\$200.00
18499	5/9/2017	1001911	DELAWARE CO COMM COLLEGE	\$120.00
18500	5/9/2017	232	ELYSE/BERBEN INSIGNIA	\$44.30
18501	5/9/2017	2	FREEDOM SYSTEMS	\$90.50
18502	5/9/2017	114	FRONEFIELD CRAWFORD. JR. LL	\$380.00
18503	5/9/2017	46	GALLS, LLC	\$67.16
18504	5/9/2017	702	GEORGE SPYROPOULOS, D.O.	\$150.00
18505	5/9/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$3,007.00
18506	5/9/2017	21	H. A. THOMSON	\$6,720.24
18507	5/9/2017	1002276	LAKESIDE CULTURAL CARE DIV.,	\$638.10
18508	5/9/2017	904	MATTHEW BENDER & CO.,INC	\$49.44
18509	5/9/2017	3	PA TWP HEALTH INS COOP TRU	\$832.80
18510	5/9/2017	171	REILLY & SONS INC.	\$410.10
18511	5/9/2017	811	S & S CLEANING SERVICE	\$368.33
18512	5/9/2017	1002195	TERRASOL ENERGIES INC	\$359.06
18513	5/9/2017	1002003	TYNAN CONSULTANTS	\$500.00
18514	5/9/2017	1001691	UNITED TIRE OF EAST CALN	\$880.00
18515	5/9/2017	278	UNRUH, TURNER, BURKE & FRE	\$1,558.44
<b>Bank Totals:</b>				<b>\$16,904.87</b>
<b>Total Of Checks:</b>				<b>\$16,904.87</b>

# Check Register

BIRMINGHAM TOWNSHIP

08-May-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN SEWER FUND</b>				
9134	5/9/2017	80	AQUA PENNSYLVANIA	\$1,177.42
9135	5/9/2017	483	BIRMINGHAM TOWNSHIP,GENE	\$781.75
9136	5/9/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$925.00
9137	5/9/2017	29	PECO ENERGY	\$155.49
<b>Bank Totals:</b>				<b>\$3,039.66</b>
<b>Total Of Checks:</b>				<b>\$3,039.66</b>



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

10-May-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
18516	5/10/2017	8	10-8 EMERGENCY VEHICLE SER	\$355.42
18517	5/10/2017	80	AQUA PENNSYLVANIA	\$2,348.25
18518	5/10/2017	884	ARAMARK	\$64.93
18519	5/10/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,144.55
18520	5/10/2017	29	PECO ENERGY	\$401.29
18521	5/10/2017	1002015	REINOS DESIGN PRINT MAIL	\$454.82
18522	5/10/2017	1002278	SECURE-IDLE INC.	\$49.05
18523	5/10/2017	1001833	STAPLES BUSINESS ADVANTAG	\$513.89
18524	5/10/2017	61	VERIZON 610-793-2600-794	\$323.82
<b>Bank Totals:</b>				<b>\$5,656.02</b>
<b>Total Of Checks:</b>				<b>\$5,656.02</b>

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

10-May-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN SEWER FUND</b>				
9138	5/10/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$514.00
9139	5/10/2017	1002016	COURIER SYSTEMS, INC.	\$2.50
9140	5/10/2017	1001963	M & B ENVIRONMENTAL INC	\$5,831.45
9141	5/10/2017	798	PA ONE CALL SYSTEM,INC.	\$29.52
9142	5/10/2017	586	VERIZON 610-399-6923 315	\$52.14
<b>Bank Totals:</b>				<b>\$6,429.61</b>
<b>Total Of Checks:</b>				<b>\$6,429.61</b>

# Check Register

BIRMINGHAM TOWNSHIP

15-May-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN GENERAL FUND				
18525	5/15/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$66.00
Bank Totals:				\$66.00
Total Of Checks:				\$66.00

# Check Register

BIRMINGHAM TOWNSHIP

15-May-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
NATIONAL PENN SEWER FUND				
9143	5/15/2017	29	PECO ENERGY	\$2,152.30
Bank Totals:				\$2,152.30
Total Of Checks:				\$2,152.30

# Check Register

BIRMINGHAM TOWNSHIP

22-May-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
18526	5/22/2017	517	INDEPENDENCE BLUE CROSS	\$4,429.72
18527	5/22/2017	1002154	VERIZON 610-4291316 676	\$48.46
<b>Bank Totals:</b>				<b>\$4,478.18</b>
<b>Total Of Checks:</b>				<b>\$4,478.18</b>

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

05-Jun-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>BB&amp;T GENERAL FUND</b>				
18528	6/5/2017	11	21ST CENTURY MEDIA - PHILLY	\$188.78
18529	6/5/2017	1001926	AJ BLOSENSKI, INC.	\$147.74
18530	6/5/2017	1002288	ALEC BRECKER	\$2,384.03
18531	6/5/2017	80	AQUA PENNSYLVANIA	\$44.00
18532	6/5/2017	5	BOROUGH OF WEST CHESTER,	\$18,252.50
18533	6/5/2017	79	BRANDYWINE VALLEY SPCA	\$41.20
18534	6/5/2017	873	CARDMEMBER SERVICE	\$737.50
18535	6/5/2017	51	CHESTER COUNTY TREASURER	\$25.00
18536	6/5/2017	617	CHESTER WATER AUTHORITY	\$653.40
18537	6/5/2017	415	COLLEEN M. PIMER	\$130.00
18538	6/5/2017	1001902	COMCAST CABLE	\$104.85
18539	6/5/2017	1001560	COMSTAR TECHNOLOGIES	\$125.00
18540	6/5/2017	70	CONCORD AUTO BODY, INC.	\$329.00
18541	6/5/2017	4	CONCORDVILLE FIRE & PROTEC	\$37,278.00
18542	6/5/2017	775	CONVENIENT CAR CARE CORPO	\$924.15
18543	6/5/2017	1001933	CORELOGIC TAX SERVICES	\$4,672.38
18544	6/5/2017	707	DAVID S RATHBUN	\$250.00
18545	6/5/2017	1001911	DELAWARE CO COMM COLLEGE	\$240.00
18546	6/5/2017	585	EMERGENCY SYSTEMS SERVIC	\$725.00
18547	6/5/2017	1002011	FRANCOTYP-POSTALIA INC	\$237.00
18548	6/5/2017	2	FREEDOM SYSTEMS	\$299.99
18549	6/5/2017	1001930	FRY COMMUNICATIONS, INC.	\$82.00
18550	6/5/2017	46	GALLS, LLC	\$167.85
18551	6/5/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$749.01
18552	6/5/2017	6	INNOVATIVE CONSTRUCTION SE	\$2,950.00
18553	6/5/2017	1002052	JENNIFER A BOORSE	\$600.00
18554	6/5/2017	211	LEGISLATIVE REFERENCE BURE	\$16.00
18555	6/5/2017	1002286	LERETA LLC	\$361.42
18556	6/5/2017	1001755	MAJIC LANDSCAPES	\$1,729.00
18557	6/5/2017	1002053	MICHAEL J HOCHHAUS	\$250.00
18558	6/5/2017	3	PA TWP HEALTH INS COOP TRU	\$284.90
18559	6/5/2017	205	PARKWAY DRY CLEANERS, INC.	\$194.06
18560	6/5/2017	1001903	QUEST DIAGNOSTICS INC	\$579.55
18561	6/5/2017	1001951	R R DONNELLEY	\$287.50
18562	6/5/2017	554	RED THE UNIFORM TAILOR	\$206.55
18563	6/5/2017	171	REILLY & SONS INC.	\$1,129.35
18564	6/5/2017	1002085	SCOTT C BOORSE	\$16.05
18565	6/5/2017	26	SIGNAL SERVICE INC.	\$692.00
18566	6/5/2017	1001833	STAPLES BUSINESS ADVANTAG	\$789.96
18567	6/5/2017	426	THE WATER GUY	\$2.84
18568	6/5/2017	1002287	THOMAS & CYNTHIA DUFOUR	\$446.64

# Check Register

BIRMINGHAM TOWNSHIP

05-Jun-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
18569	6/5/2017	115	THOMAS R. NELLING	\$155.40
18570	6/5/2017	1002003	TYNAN CONSULTANTS	\$500.00
18571	6/5/2017	23	VANDEMARK & LYNCH, INC.	\$9,487.57
18572	6/5/2017	1001913	VERIZON WIRELESS	\$148.63
18573	6/5/2017	1002285	WELLS FARGO REAL EST	\$3,003.12
18574	6/5/2017	832	WEST CHESTER PUBLIC LIBRAR	\$1,500.00
Bank Totals:				\$94,118.92
Total Of Checks:				\$94,118.92

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

05-Jun-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>BB&amp;T SEWER FUND</b>				
9144	6/5/2017	149	AECOM	\$2,324.88
9145	6/5/2017	80	AQUA PENNSYLVANIA	\$1,173.78
9146	6/5/2017	1001859	COYNE CHEMICAL	\$2,235.35
9147	6/5/2017	585	EMERGENCY SYSTEMS SERVIC	\$1,325.00
9148	6/5/2017	1001755	MAJIC LANDSCAPES	\$575.00
9149	6/5/2017	586	VERIZON 610-399-6923 315	\$36.72
9150	6/5/2017	574	WASTE MANAGEMENT OF SOUT	\$57.02
9151	6/5/2017	821	WILLIAM J KIRKPATRICK	\$250.00
9152	6/5/2017	1001834	WM P MCGOVERN INC	\$2,006.00
<b>Bank Totals:</b>				<b>\$9,983.75</b>
<b>Total Of Checks:</b>				<b>\$9,983.75</b>