

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
AUGUST 7, 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.

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

Also in attendance for the first part of the meeting was Township Solicitor, Kristin Camp.

Chairman Conklin moved to approve the July 10, 2017 minutes as written. Vice-Chairman Boorse seconded the motion which was unanimously approved.

Vice-Chairman Boorse moved to approve the bills submitted for payment since the July meeting. General Fund bills totaled \$ 477,372.87. Sewer Fund bills totaled \$ 17,000.28. State Fund Check #184 for \$38,202.50 for Invoice #13555 was approved for payment to Innovative Construction Services, Inc. for the 2017 Road Program. Supervisor Shiring seconded the motion and the bills were unanimously approved.

OPERATION OF THE SEWER PLANT

Big Fish Environmental Services, Scott Towler principal, took over operation of the Township's wastewater treatment plant effective July 1, 2017. Fees to operate the sewer plant by Big Fish are \$6,205. for the months of July and August and \$5,390. for the remainder of the year. The Township Solicitor has reviewed the contract proposal and made modifications. Chairman Conklin moved to authorize that he execute the contract on behalf of the Township. Supervisor Shiring seconded the motion which was unanimously approved.

RAPPOLT REQUEST FOR ASA DISTRICT

William Rappolt, 1156 Eleni Lane, was present to discuss correspondence dated June 21, 2017 that he received from the County Agricultural Land Preservation Board. The letter states that Mr. Rappolt is potentially eligible for the County's farmland preservation program and that 2017 applications are currently being accepted. The letter goes on to state that in order for an easement application to be considered that an Agricultural Security Area (ASA) application has to be submitted to the Township. An ASA is a tract of agricultural land that has been officially designated as an agricultural district by the Township. Mr. Rappolt asked the Board to consider establishing an ASA district.

Solicitor Camp added that there is a 250 acre minimum of contiguous properties for the establishment of an ASA area. Mr. Rappolt said he has twenty acres. He is currently under Act 219 for taxes and that he would receive money from the County to keep his land agricultural. Currently more than 50% of his property is farmed with soybeans and corn and in equine activities.

It was suggested that Mr. Rappolt contact his neighbors to see if they would be interested in participating in an ASA.

Solicitor Camp said that the formation of an ASA requires the establishment of an advisory board consisting of three active farmers from separate farms, one resident citizen; and one member of the governing body. The advisory board works with the Planning Commission and the Supervisors on the establishment of an ASA and the adoption of an ordinance.

Vice-Chairman Boorse questioned whether the properties have to be contiguous in an ASA?

Supervisor Shiring said he would be interested in gathering more information on this issue.

Chairman Conklin said the Board needs to determine if it wants to put resources into pursuing this request.

HARB REPORT

HARB met on July 18th to consider an application from Mark Robillard, 960 Wes Moore Drive, Hamilton Place, to complete the following projects:

- Replace failing stucco with James Hardie Siding: color Cobble Stone
- Replace stucco above front dormer windows with James Hardie shingles: color Cobble Stone: style to be either Staggered Edge Panel or Individual Shingles
- Replace existing trim with Azek trim; painted Sherwin Williams Extra White (SW 7006)
- Paint shutters: color Sherwin Williams Black Fox (SW 7020)
- Paint stucco chimney; color either Cobble Stone to match the James Hardie siding or Sherwin Williams Extra White to match the Azek trim

Supervisor Shiring moved to approve the Certificate of Appropriateness as recommended by HARB for 960 Wes Moore Drive. Vice-Chairman Boorse seconded the motion which was unanimously approved.

WEST CHESTER PUBLIC LIBRARY

Mary Brooks, President of the Board of Trustees for the West Chester Public Library, and Victoria Dow, Executive Director, were present to thank the Board for its past contributions to the Library and to request that a contribution be included in the 2018 budget. The Library is located in the Borough and it serves the residents of the Borough and six townships, all of which allocate funding to the Library. The Library offers a wide variety of programs across all age groups. The Library significantly expanded programming and community outreach efforts in 2016. The Library has offered children's programs for years which have been very popular. The teen/tween program has really taken off with the establishment of a teen advisory board consisting of high school students from the area who provide input on programs for their peers. The teenagers played a major role in promoting and presenting a visit by author Sara Shepard.

Victoria Dow explained that the more local funds that are received by the Library, the more State Funds that are received as well. The financing sources for the Library are: 1) fundraising;

2) State and County; and 3) local. There are over 1,000 residents of the Township that are members of the Library.

CHESTER COUNTY BATTLEFIELD LANDSCAPES PLAN OVERVIEW

Jeannine Speirs, Heritage Preservation Coordinator for Chester County, was present to discuss the 2013 Brandywine Battlefield Preservation Plan. The plan presents recommendation on how to better preserve the Battlefield's open spaces and historic landscapes. The project was funded through a National Park Service American Battlefield Protection Program grant. The Plan includes an historic resource atlas of the Battlefield, including buildings, combat locations, and events related to the battle. It also identifies areas for strategic study:

- Northwest Battlefield – East Bradford; West Bradford; Newlin and Pocopson Townships
- Southwest Battlefield – Kennett Borough; Kennett; Pennsbury; and New Garden Townships
- Chadds Ford, Delaware County and New Castle County Delaware (how the troops came into the area)
- Eastern Battlefield includes Birmingham, Thornbury and Westtown Townships

Jeannine Speirs indicated that a grant is being applied for through the American Battlefield Protection Program for land preservation; identification of historic resources standing; identification of interpretive resources; and telling the story of the battle, with the focus of the grant being on the eastern battlefield area.

Karen Marshall, Heritage Preservation Coordinator for Chester County, was present to discuss the conservation easement on the Dilworth Farm property and to encourage the Board not to demolish the existing barn on the property. She said that the barn is the perfect place for an interpretive sight of the Battlefield for the public. The barn is a gateway to the community. She encouraged the preservation of the barn for at least three to five years until an overall plan can be developed. She was not anticipating that the barn would be museum quality with heat and air conditioning, but there is no key location in Chester County for the public for Battlefield interpretation. The Brandywine Battlefield Park is located in Delaware County yet 80% of the Battle occurred in Chester County. She said that one of the main reasons that the County contributed funds for the preservation of the property was because of the barn and its potential "gateway to the Battlefield". She would like to bring in a barn preservation specialist to analyze the barn structurally. She noted that barns are hard to understand. She added that Birmingham Road existed during the Battle and she is confident that the Dilworth farm property is close to where the troops passed.

Vice-Chairman Boorse said that the barn was not on the property during the retreat and that the barn is not in a condition to be refurbished. The Board did not discuss the removal of the barn.

BIRMINGHAM HILL SIGNAGE (RPOS)

Jim Rosenthal and Chuck Feld, RPOS, were present to show the Board a proposal for another sign at Birmingham Hill entitled, "Where is George Washington?". The sign would be located at the corner of the parking area facing the field. The sign can be removed and put into another base. The verbiage has been approved by the Township Historical Commission. This will be the

fourth large sign erected for the Battlefield. The signage will provide information that is not readily known. The cost of \$1,022. for the sign is in the RPOS budget.

Mr. Rosenthal acknowledged the tremendous effort put into the sign by Judy Jensen. In response to Vice-Chairman Boorse he confirmed that RPOS would install the sign.

Supervisor Shiring moved to approve the expenditure for the signage for Birmingham Hill. Vice-Chairman Boorse seconded the motion which was unanimously approved.

RT.202 TRAFFIC SIGNALS

The Township is in receipt of correspondence dated July 6, 2017 from Westtown Township to PennDOT regarding the improvements project for the Rt. 202 signals. The project will integrate Adaptive Signal Control Technology to existing signals to improve traffic flow, reduce congestion, and improve air quality along the Rt. 202 Corridor. It will also add Intelligent Transportation System devices including CCTV cameras, DMS signs and Bluetooth readers to improve incident management. Currently the townships are responsible for the maintenance cost of traffic signals on state roads. Westtown Township is asking PennDOT to take over the ownership and maintenance of the signals because the additional equipment and complex technology that is going to be added to the signals will make it a burden to own and maintain them.

Chief Nelling met with PennDOT; Chadds Ford Township; and Signal Service to discuss this issue and the Green Light Go Grant. Chief Nelling was advised by PennDOT at the meeting that PennDOT would not be inclined to take over the ownership and maintenance of the signals on the Rt. 202 Corridor.

The Board decided not to take action on writing a similar letter to PennDOT at this time and to table the item and take a “wait and see” approach.

ZONING HEARING BOARD APPLICATION FOR PARK AVENUE MOTOR CARS D/B/A MERCEDES-BENZ OF WEST CHESTER

On August 23rd the Zoning Hearing Board will consider the application of Park Avenue Motor Cars, LP, d/b/a Mercedes-Benz of West Chester for a variance from Section 122-90.B(1)(a) of the Zoning Ordinance in order to allow one additional free-standing/ground sign to provide identification of and direction into the Mercedes Benz dealership located at 1260 Wilmington Pike which is located in the C-2A Zoning District. In addition, the Applicant requests, if necessary, a variance from Section 122-90.B(1)(h) to allow the proposed sign to be closer to the Route 202 cartway than 15 feet.

Ken Kynett, legal counsel for the applicant, indicated that the reason for the request is that a motorist travelling northbound misses the first entrance to Mercedes as they come up over the hill. Motorists then go into the far entrance on the property and come back into the dealership against the flow of traffic. Mr. Kynett stated that the proposed signage is dictated by corporate.

The Board had several questions for the applicant’s legal counsel, Ken Kynett.

- How high does the sign need to be to see the entrance?

- Is there a minimum height required in order to see the entrance?
- How far is the sign from the road?
- What is the distance when you can first see the sign coming northbound on Rt. 202 over the hill?
- How close is the sign to the property line?
- What is the size of the sign?
- How tall is the sign from the existing grade?
- Have any other sign variances been granted to Mercedes?

Mr. Kynett did not have all the answers to the Board's questions but provided the following information. The sign is 2'6" tall. With its structure, it is just over 4'3" in height from the existing grade and about 8'6" long. The sign is two sided and illuminated.

JoAnn George with Mercedes said there had been no other sign variances granted. Mercedes would be willing to remove the existing star on the building in order to accommodate this signage.

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

POLICE REPORT

Chief Nelling reported for the month of July. There were 1,481 incidents for the month including ten criminal arrests. There were 6,877 patrol miles logged on the vehicles during July.

Police Commissioner Boorse asked about open cases? Chief Nelling said there were a few open cases for bad checks written and thefts.

TREASURER'S REPORT

Sect./Treas. Nelling reported for the 2nd quarter ending June 30th.

General Fund - \$1,172,798.

Sewer Fund - \$320,544. (\$46,668. capital reserve)

General Fund Revenues \$1,940,507. (86% of the \$2,248,212. budget)

General Fund Expenditures \$767,709. (48% of the \$1,592,060. budget)

Sewer Fund Revenues \$485,468. (74% of the \$652,372. budget)

Sewer Fund Expenditures \$164,924. (40% of the \$416,349. budget)

- Nancy Bush has collected 90% of the property taxes through the net period ending June 30th.
- Real Estate transfer tax receipts are \$68,555. (49% of the \$140,000. budget) There are a lot of for sale signs in the Township. Sect./Treas. Nelling said that this is usually a cushion area for the budget so she is a little disappointed that receipts aren't higher. The other cushion account is snow removal where only 50% of the \$120,000. has been spent this year.

- The Zoning Hearing Board is very busy this year with seven applications received to date and another one coming to the next Township meeting.
- Building permits are in line with budget. (\$33,825. (56%) of the\$60,000. budget)
- NPDES compliance is an on-going concern with a budget of \$12,500. and \$22,041. spent to date.
- Donations for the reenactment - \$11,275. and \$500. for vendor requests.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 8:22 PM. (JLC; MTS)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

07-Aug-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T GENERAL FUND				
18673	8/7/2017	1002194	BRAD & KENDRA ADEY	\$780.08
18674	8/7/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,288.26
18675	8/7/2017	617	CHESTER WATER AUTHORITY	\$653.40
18676	8/7/2017	1002302	CIVIL WAR PRESERVATION TRU	\$434,364.00
18677	8/7/2017	1002121	CLEVENS K-9 SCOOP LLC	\$105.00
18678	8/7/2017	381	FEDEX	\$49.51
18679	8/7/2017	2	FREEDOM SYSTEMS	\$269.99
18680	8/7/2017	114	FRONEFIELD CRAWFORD. JR. LL	\$1,840.00
18681	8/7/2017	46	GALLS, LLC	\$19.26
18682	8/7/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$508.96
18683	8/7/2017	1002305	HENRY & PHYLLIS ROBERTS	\$1,137.62
18684	8/7/2017	1002304	JOAN LAWLESS	\$4.63
18685	8/7/2017	1001755	MAJIC LANDSCAPES	\$2,324.00
18686	8/7/2017	3	PA TWP HEALTH INS COOP TRU	\$468.54
18687	8/7/2017	29	PECO ENERGY	\$364.81
18688	8/7/2017	554	RED THE UNIFORM TAILOR	\$227.63
18689	8/7/2017	171	REILLY & SONS INC.	\$417.87
18690	8/7/2017	811	S & S CLEANING SERVICE	\$368.33
18691	8/7/2017	1002303	SARRO SIGNS INC	\$175.85
18692	8/7/2017	26	SIGNAL SERVICE INC.	\$881.16
18693	8/7/2017	1002003	TYNAN CONSULTANTS	\$500.00
Bank Totals:				\$446,748.90
BB&T SEWER FUND				
9183	8/7/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$709.45
9184	8/7/2017	1001859	COYNE CHEMICAL	\$1,243.60
9185	8/7/2017	1001963	M & B ENVIRONMENTAL INC	\$4,200.54
9186	8/7/2017	1001755	MAJIC LANDSCAPES	\$575.00
9187	8/7/2017	29	PECO ENERGY	\$159.62
Bank Totals:				\$6,888.21
Total Of Checks:				\$453,637.11

Check Register**BIRMINGHAM TOWNSHIP**

17-Jul-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T GENERAL FUND				
18633	7/17/2017	80	AQUA PENNSYLVANIA	\$2,348.25
18634	7/17/2017	79	BRANDYWINE VALLEY SPCA	\$309.00
18635	7/17/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,664.25
18636	7/17/2017	1001994	CLARK HILL PLC	\$189.00
18637	7/17/2017	114	FRONEFIELD CRAWFORD. JR. LL	\$1,950.00
18638	7/17/2017	517	INDEPENDENCE BLUE CROSS	\$4,429.72
18639	7/17/2017	178	PAGE EXCAVATING COMPANY,I	\$280.00
18640	7/17/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$53.32
18641	7/17/2017	7	QUINA NELLING	\$110.00
18642	7/17/2017	171	REILLY & SONS INC.	\$445.79
18643	7/17/2017	75	RJCRAIG GRAPHICS & DESIGN	\$127.10
18644	7/17/2017	26	SIGNAL SERVICE INC.	\$265.25
18645	7/17/2017	226	SIRCHIE FINGER PRINT LABORA	\$247.30
18646	7/17/2017	23	VANDEMARK & LYNCH, INC.	\$8,140.24
18647	7/17/2017	61	VERIZON 610-793-2600-794	\$324.95
Bank Totals:				\$20,884.17
Total Of Checks:				\$20,884.17

Check Register

BIRMINGHAM TOWNSHIP

17-Jul-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T SEWER FUND				
9174	7/17/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,491.00
9175	7/17/2017	29	PECO ENERGY	\$2,365.27
9176	7/17/2017	586	VERIZON 610-399-6923 315	\$51.95
Bank Totals:				\$3,908.22
Total Of Checks:				\$3,908.22

Check Register

BIRMINGHAM TOWNSHIP

31-Jul-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T GENERAL FUND				
18648	8/1/2017	11	21ST CENTURY MEDIA - PHILLY	\$440.01
18649	8/1/2017	1001926	AJ BLOSENSKI, INC.	\$147.74
18650	8/1/2017	80	AQUA PENNSYLVANIA	\$76.00
18651	8/1/2017	873	CARDMEMBER SERVICE	\$346.99
18652	8/1/2017	51	CHESTER COUNTY TREASURER	\$364.46
18653	8/1/2017	415	COLLEEN M. PIMER	\$192.50
18654	8/1/2017	1001902	COMCAST CABLE	\$104.85
18655	8/1/2017	707	DAVID S RATHBUN	\$40.13
18656	8/1/2017	1002301	E TENT	\$1,687.00
18657	8/1/2017	1001938	FIFE & DRUMS OF OLD BARRAC	\$2,500.00
18658	8/1/2017	46	GALLS, LLC	\$560.66
18659	8/1/2017	1001768	GRAFIX SHOPPE	\$57.26
18660	8/1/2017	21	H. A. THOMSON	\$58.00
18661	8/1/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$436.98
18662	8/1/2017	938	JOHN L CONKLIN	\$25.53
18663	8/1/2017	711	JUDY JENSEN	\$60.87
18664	8/1/2017	1002001	LINDA KAAT	\$21.42
18665	8/1/2017	554	RED THE UNIFORM TAILOR	\$708.30
18666	8/1/2017	171	REILLY & SONS INC.	\$594.34
18667	8/1/2017	1002015	REINOS DESIGN PRINT MAIL	\$486.41
18668	8/1/2017	507	ROTHWELL DOCUMENT SOLUTI	\$249.41
18669	8/1/2017	746	V.E. RALPH & SON, INC.	\$191.20
18670	8/1/2017	23	VANDEMARK & LYNCH, INC.	\$218.25
18671	8/1/2017	1002154	VERIZON 610-4291316 676	\$48.32
18672	8/1/2017	1001913	VERIZON WIRELESS	\$148.70
Bank Totals:				\$9,765.33
Total Of Checks:				\$9,765.33

25.53

9,739.80

Check Register

BIRMINGHAM TOWNSHIP

31-Jul-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
BB&T SEWER FUND				
9177	8/1/2017	149	AECOM	\$4,645.25
9178	8/1/2017	80	AQUA PENNSYLVANIA	\$1,151.92
9179	8/1/2017	873	CARDMEMBER SERVICE	\$79.64
9180	8/1/2017	1001859	COYNE CHEMICAL	\$225.00
9181	8/1/2017	586	VERIZON 610-399-6923 315	\$45.20
9182	8/1/2017	574	WASTE MANAGEMENT OF SOUT	\$56.84
Bank Totals:				\$6,203.85
Total Of Checks:				\$6,203.85