

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
OCTOBER 2, 2017**

**LAND SOURCE, LLC CONDITIONAL USE HEARING**

A conditional use hearing was held at 6:30 PM, prior to the regular meeting, to consider the application of Land Source, LLC to modify the conditional use decision dated December 15, 2003 to permit a high turnover eating/drinking establishment (Starbucks with drive-thru) on the property at 1304 Wilmington Pike (Eagle Bank location). The hearing was transcribed by Court Reporter Colleen Pimer. The hearing was continued to Wednesday, October 25<sup>th</sup> @ 7:30 PM.

**REGULAR MEETING**

The regular meeting of the Board of Supervisors was called to order at 7:35 PM by Chairman Conklin with the pledge of allegiance. A quorum of Supervisors was declared.

John Conklin	-	Chairman
Scott Boorse	-	Vice-Chairman
Mike Shiring	-	Supervisor

Supervisor Shiring moved to approve the September 11, 2017 minutes as written. Vice-Chairman Boorse seconded the motion and the minutes were unanimously approved.

Vice-Chairman Boorse moved to approve the bills submitted for payment since the last meeting. General Fund bills totaled \$94,773.47. Sewer Fund bills totaled \$6,566.38. Supervisor Shiring seconded the motion and the bills were unanimously approved.

**STOLTZFUS LAND DEVELOPMENT PLAN (1345 WILMINGTON PIKE)**

At its meeting on September 12<sup>th</sup>, the Planning Commission recommended approval of the preliminary/final land development plan for ESGS Brandywine, LLC. The plans titled Stoltzfus Sales, Inc. consisting of fourteen plan sheets, prepared by D. L. Howell & Associates, Inc., dated 3/15/17, were last revised 9/26/17.

The purpose of the Plan is to provide for the development of a 13,750 sf. one-story commercial building to be used for a new and used motor vehicle sales agency, including vehicle service and repair, at the adjacent property at 1345 Wilmington Pike (current Brandywine Patio property).

Justin Brewer, Engineer, presented the Plan to the Board.

- The access between the Brandywine Patio property and Stoltzfus RV will be the primary access.
- The Rt. 202 access will remain but will be for a limited use basis.
- The 37 parking spots have been moved to the front of the building on the Brandywine Patio site. The applicant is fully compliant with the parking regulations.
- Four trees on the conditional use plan were removed. In lieu of new trees, the applicant extended the shrubbery to the northeasterly corner of the property from the paved access of the Brandywine Patio property across the Stoltzfus RV property to the crushed stone

area. A waiver is being requested from Section 103.33 of the Code for the four trees removed.

Vice-Chairman Boorse confirmed that the trailer shown on the map of the Brandywine Patio property located at the back left corner will be removed. He also confirmed that the traffic flow is from the right side to the front of the building with that access gaited.

Supervisor Shiring moved to grant a waiver from Section 103-33 of the Birmingham Township Code of Ordinances provided the Applicant installs shrubbery along the frontage of the adjacent property along the boundary line north to the crushed stone area.

Supervisor Shiring moved to grant preliminary/final plan approval to ESGS Brandywine, LLC for the Stoltzfus Trailer Sales, Inc. plans subject to the following conditions which shall be satisfied before the plans are released for recording:

1. Applicant shall execute and deliver to the Township the following documents:
  - A. Land Development Agreement
  - B. Financial Security Agreement
  - C. Stormwater Operation Maintenance Agreement
  - D. Curb/Construction Easement with Birmingham Devco, owner of the adjacent shopping center
  - E. Cross Easement Agreement
2. Applicant shall obtain the following permits:
  - A. A PennDOT Highway Occupancy Permit for access onto Rt. 202
  - B. Stormwater Management Permit from the Chester County Conservation District (NPDES Permit)
3. Address any outstanding issues in the VanDemark & Lynch, Inc. September 28, 2017 review letter.
4. Applicant shall comply with the Fire Marshal's 9/20/17 review letter.

Earl Stoltzfus, applicant, agreed to the conditions read.

Vice-Chairman Boorse seconded the motions which were unanimously approved.

## **HARB REPORT**

### **Berstein/1010 Little Ridge/Stucco, Trim, Windows**

At its meeting on September 19<sup>th</sup>, HARB recommended that a Certificate of Appropriateness be issued to Jason and Caryn Bernstein, 1010 Little Ridge Drive, for the following projects:

1. Replace failing stucco with combination of Hardie Plank Siding and Stone
  - Front of house: Combination of stone and Hardie Plank Lap Siding; color Light Mist
  - Back of house: Hardie Plank Lap Siding; color Light Mist

- Sides of house: Hardie Plank Lap Siding; color Boothbay Blue to be installed to resemble board and batten
- 2. Replace trim work with white Azek trim
- 3. Replace windows with Andersen Woodwright windows; color Dark Bronze. Trim around the windows will be white.
- 4. Replace some wood on back screened-in porch with siding and paint. Color for the wood on the porch will be Boothbay Blue to match the siding.

Chairman Conklin asked where the house was in relation to Birmingham Road. Mr. Berstein said that the back of the house faces common ground which faces Birmingham Road.

Supervisor Shiring moved to approve the Certificate of Appropriateness for the Bersteins, 1010 Little Ridge Drive, as recommended by HARB. Vice-Chairman Boorse seconded the motion which was unanimously approved.

### **Fleming, 1025 Meetinghouse Road, Shed**

HARB recommended that a Certificate of Appropriateness be issued to Stephen and Kelly Fleming, 1025 Meetinghouse Road, for the installation of a 12' x 25' shed with an 8' lean-to. The shed will have pine siding. The siding will resemble board and batten. The color of the siding will be red. The roof will be metal; color Burnished Slate.

Mr. Fleming will be removing a shed down by the Creek and adding this new shed to the property, forty feet off of the property line.

Mr. Fleming didn't understand that there were two committees that needed to review the application, HARB and the Historical Commission. He sent out certified notices of the HARB meeting to his neighbors, but that requirement is for the Historical Commission meetings. Mr. Fleming didn't have time to send out notices for the September Historical Commission meeting so he will need to attend the October meeting.

Chairman Conklin apologized for any delays caused to Mr. Fleming for the mis-understanding of the procedure. The Supervisors can't waive the Historical Commission meeting requirement, as confirmed by the Township Solicitor, as it is part of the Zoning Ordinance.

Chairman Conklin moved to approve the Certificate of Appropriateness for the Flemings, 1025 Meetinghouse Road, as recommended by HARB and to approve a forthcoming recommendation from the Historical Commission conditioned on no changes from the HARB approval by the Historical Commission in order for Mr. Fleming not to have to return to the November 6<sup>th</sup> Supervisors' meeting. However, any additional changes or recommendations from the Historical Commission would have to come back to the Supervisors. Vice-Chairman Boorse seconded the motion which was unanimously approved.

### **ROAD REPORT**

Dave Rathbun provided the Board with a third quarter road report.

The HOA in the Knolls of Birmingham reported three sinkholes in the grass adjacent to inlets.

Chairman Conklin confirmed with Mr. Rathbun that they are Township responsibility to repair as they are in the right-of-way of Knolls Road.

Mr. Rathbun met with the Township Engineer and Page Excavating at the site. It was determined that the cause of the problem is a rusted stormwater pipe connecting the inlets. The proposal from Page for the repair is \$8,745.00. Mr. Rathbun is recommending that this work be done now and not be included in next year's road program.

Vice-Chairman Boorse had recommended crack sealing and restriping of the Sandy Hollow parking lot this fall. Chief Nelling had suggested that the Township lot be restriped as well.

Though not required, three bids were requested, with two received. Asphalt Maintenance, Inc. bid \$3,550.00 and Pavement Pros, Inc. bid \$3,807.10. Mr. Rathbun and Vice-Chairman Boorse were familiar with the work of Asphalt Maintenance, Inc. that specializes in jobs on small lots, as they had done crack sealing at Westminster Presbyterian Church.

Vice-Chairman Boorse moved to approve the bid from Page Excavating for \$8,745.00 for the sinkhole repairs in the Knolls of Birmingham with the repair work to be done as soon as possible and to award the crack sealing and line painting work for Sandy Hollow and the Township lot to Asphalt Maintenance, Inc. for \$3,550.00 (\$600. Township lot and \$2,950.00 Sandy Hollow). Supervisor Shiring seconded the motion which was unanimously approved.

Mr. Rathbun said he has inspected the roads and has not identified any items of concern. Next year's road program will be for milling and repaving major roads in the Township. A February bid opening is anticipated.

Chairman Conklin thanked Mr. Rathbun on behalf of the residents and the township for his work as Roadmaster over Chairman Conklin's last twelve years in office.

### **SNOW REMOVAL BIDS**

It was duly advertised in the Daily Local News on September 14<sup>th</sup> and 21<sup>st</sup> that the Township would be receiving proposals for snow removal for the 2017/2018 season by 2 PM today. One bid was received from Page Excavating, Inc. The bid prices were compared with the 2016/2017 season. There were no increases. However, one item of \$405.00/event was added for after-hours preparation for salt trucks for forecasted weather. This item was probably paid hourly in the past.

Chairman Conklin moved to award the 2017/2018 snow removal contract to Page Excavating, Inc. Vice-Chairman Boorse seconded the motion which was unanimously approved.

### **FIRE RELIEF FUND DISTRIBUTION ALLOCATION**

On September 25<sup>th</sup> the Township received the 2017 Commonwealth State Aid allocation of \$46,248.02 which supports the Volunteer Relief Associations of the fire companies. The allocation is determined half on population and half on the market value of real estate in the township. The township is the conduit for the funds to the fire companies. The funds must be

distributed within sixty days of receipt. In the past, the Township has divided the funds equally between Concordville Fire Department Relief Association and West Chester's Fire Relief Association. In 1990, Goodfellowship Ambulance asked for part of the relief funds and the Supervisors decided to start giving Good Fellowship Ambulance 25% of the amount allocated to West Chester.

At the Board's request, Sect./Treas. Nelling provided the following information. There are 1,524 parcels in the Township of which 517 are serviced by West Chester and 1,007 by Concordville, so approximately 1/3 by West Chester and 2/3 by Concordville. This percentage has changed over the years as Radley Run and Spring Meadows were the two big developments in the Township 30 years ago which were serviced by West Chester. A change in the percentage of parcels covered by each fire company occurred with the addition of the Knolls of Birmingham; Birmingham Hunt; Fieldpoint and The Reserve at Chadds Ford developments which are all serviced by Concordville.

Chief Nelling provided the Board will call volume for both areas. In 2016, West Chester responded to 20 fire and rescue calls and Concordville responded to 66. Goodfellowship Ambulance responded to 61 calls and Concordville Ambulance responded to 81. From January 2017 through August 2017, West Chester responded to 19 fire and rescue calls and Concordville responded to 43. Goodfellowship Ambulance responded to 43 calls for this period and Concordville responded to 69.

Based on the information provided, the Board decided to change the relief fund distribution. Chairman Conklin moved to allocate 2/3 of the relief funds to Concordville Fire & Relief Association; 1/6 to the West Chester Fire Relief Association and 1/6 to Goodfellowship Ambulance Relief Association. Supervisor Shiring seconded the motion which was unanimously approved.

### **OTHER BUSINESS**

Chairman Conklin reported that Vice-Chairman Boorse and Supervisor Shiring met with the Township Solicitor, Kristin Camp, and the Township Sewer Engineer, Sandi Morgan, on Tuesday, September 19<sup>th</sup> @ 5 PM to discuss personnel for the sewer plant.

### **PUBLIC COMMENT**

Anne Seimer, RPOS Chairperson, said that she had been contacted by a resident from Birmingham Hunt who was interested in organizing a walk at Sandy Hollow Park that would benefit research for an illness that afflicted his son. He would like to do the walk on Thanksgiving morning with 50 people anticipated. He was asking permission so he could start advertising and promoting the walk at the Unionville High School.

Chairman Conklin suggested that if just a few people were walking that the resident just organize a walk with friends without township involvement. For something official that would be advertised, input would be needed from the Township Solicitor. Parking issues would definitely be a concern.

Anne Seimer asked if the RPOS Committee should follow up with the Township Solicitor in

case the committee is approached by a group in the future, example being a wedding.

Vice-Chairman Boorse said that the Declaration of Covenants for the property was reviewed. There is nothing in the covenants about an event, but it was specific that the property is to be used for passive recreation, not for events and structures such as bandstands. The intent was for the historical interpretation of the property and some events would not follow the spirit established for the property by the covenants.

Dave Rathbun added that if the event is well publicized that attendance at the walk could be underestimated and it could reach much more than 50.

The meeting was adjourned at 8:24 PM. (JLC;SCB)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

25-Sep-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
18800	9/25/2017	517	INDEPENDENCE BLUE CROSS	\$4,429.72
18801	9/25/2017	1002154	VERIZON 610-4291316 676	\$49.07
18802	9/25/2017	61	VERIZON 610-793-2600-794	\$322.51
18803	9/25/2017	1001913	VERIZON WIRELESS	\$148.70
<b>Bank Totals:</b>				<b>\$4,950.00</b>
<b>Total Of Checks:</b>				<b>\$4,950.00</b>

# Check Register

BIRMINGHAM TOWNSHIP

25-Sep-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9469	9/25/2017	586	VERIZON 610-399-6923 315	\$57.31
Bank Totals:				\$57.31
Total Of Checks:				\$57.31



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

02-Oct-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
18804	10/2/2017	8	10-8 EMERGENCY VEHICLE SER	\$548.12
18805	10/2/2017	11	21ST CENTURY MEDIA - PHILLY	\$471.09
18806	10/2/2017	1001926	AJ BLOENSKI, INC.	\$1,047.74
18807	10/2/2017	80	AQUA PENNSYLVANIA	\$97.00
18808	10/2/2017	51	CHESTER COUNTY TREASURER	\$25.00
18809	10/2/2017	1001994	CLARK HILL PLC	\$472.50
18810	10/2/2017	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
18811	10/2/2017	70	CONCORD AUTO BODY, INC.	\$4,856.91
18812	10/2/2017	882	DCED	\$148.00
18813	10/2/2017	1002340	FERGUSON & MCCANN, INC.	\$279.00
18814	10/2/2017	2	FREEDOM SYSTEMS	\$1,206.75
18815	10/2/2017	114	FRONEFIELD CRAWFORD. JR. LL	\$1,360.00
18816	10/2/2017	46	GALLS, LLC	\$827.02
18817	10/2/2017	1001944	GOSHEN SIGNS	\$1,085.00
18818	10/2/2017	1001768	GRAFIX SHOPPE	\$261.60
18819	10/2/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$275.68
18820	10/2/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$1,166.91
18821	10/2/2017	1002338	JACK DEVRIES	\$82.62
18822	10/2/2017	1002337	JENNIFER MATWIEJEWICZ	\$368.00
18823	10/2/2017	938	JOHN L CONKLIN	\$11.22
18824	10/2/2017	1002332	KNOX EQUIPMENT RENTALS INC	\$165.00
18825	10/2/2017	1001755	MAJIC LANDSCAPES	\$1,836.00
18826	10/2/2017	1002339	MICHAEL FORBES	\$131.42
18827	10/2/2017	215	NATIONAL ASSOC OF CHIEFS O	\$155.00
18828	10/2/2017	1001991	PANNIER	\$1,022.00
18829	10/2/2017	1002333	PETRIKIN,WELLMAN,DAMICO ET	\$421.00
18830	10/2/2017	213	PIRMA	\$30,922.00
18831	10/2/2017	1001977	PMRS (NON-UNIFORM)	\$4,209.00
18832	10/2/2017	64	PMRS (UNIFORM)	\$17,765.00
18833	10/2/2017	1002034	PSAR	\$1,900.00
18834	10/2/2017	91	PSATS	\$149.00
18835	10/2/2017	171	REILLY & SONS INC.	\$1,996.01
18836	10/2/2017	1002015	REINOS DESIGN PRINT MAIL	\$2,099.08
18837	10/2/2017	1002336	RELATED PARKING SERVICES IN	\$3,305.00
18838	10/2/2017	1002029	RICHARD J JENSEN	\$7.63
18839	10/2/2017	507	ROTHWELL DOCUMENT SOLUTI	\$72.10
18840	10/2/2017	1002085	SCOTT C BOORSE	\$126.53
18841	10/2/2017	1001833	STAPLES BUSINESS ADVANTAG	\$535.70
18842	10/2/2017	1002335	TAYLOR RENTAL	\$303.00
18843	10/2/2017	1002033	THE ICE BUTLER	\$54.00
18844	10/2/2017	1002341	TIM RZEPSKI	\$72.16

**Check Register****BIRMINGHAM TOWNSHIP***02-Oct-17*

<b>Check No</b>	<b>Check Date</b>	<b>Vendor No</b>	<b>Vendor Name</b>	<b>Check Amount</b>
18845	10/2/2017	1002003	TYNAN CONSULTANTS	\$500.00
18846	10/2/2017	1001691	UNITED TIRE OF EAST CALN	\$603.96
18847	10/2/2017	23	VANDEMARK & LYNCH, INC.	\$4,447.26
18848	10/2/2017	924	VOSS SIGNS,LLC	\$185.90
18849	10/2/2017	821	WILLIAM J KIRKPATRICK	\$565.56
18850	10/2/2017	1002334	WINDISH MUSIC & PRODUCTION	\$1,600.00
<b>Bank Totals:</b>				<b>\$89,823.47</b>
<b>Total Of Checks:</b>				<b>\$89,823.47</b>

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

02-Oct-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9470	10/2/2017	80	AQUA PENNSYLVANIA	\$1,192.00
9471	10/2/2017	2	FREEDOM SYSTEMS	\$964.50
9472	10/2/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$1,250.00
9473	10/2/2017	1001755	MAJIC LANDSCAPES	\$460.00
9474	10/2/2017	23	VANDEMARK & LYNCH, INC.	\$1,506.13
9475	10/2/2017	586	VERIZON 610-399-6923 315	\$41.50
9476	10/2/2017	574	WASTE MANAGEMENT OF SOUT	\$57.94
9477	10/2/2017	1001834	WM P MCGOVERN INC	\$1,037.00
<b>Bank Totals:</b>				<b>\$6,509.07</b>
<b>Total Of Checks:</b>				<b>\$6,509.07</b>