

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
NOVEMBER 6, 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

Supervisor Shiring moved to approve the October 2, 2017 minutes as written. Chairman Conklin seconded the motion and the minutes were unanimously approved.

Vice-Chairman Boorse moved to approve the bills submitted for payment since the September 11, 2017 meeting. General Fund bills totaled \$126,060.72. Sewer Fund bills totaled \$29,588.83. Supervisor Shiring seconded the motion and the bills were unanimously approved.

LAND SOURCE CONDITIONAL USE DECISION

The Supervisors held public hearings on October 2nd and October 25th to consider the application of Land Source, LLC, the owner of a condominium unit located at 1304 Wilmington Pike, tax parcel #65-4-73.2B, to modify the December 15, 2003 Conditional Use Decision to develop a high turnover eating and drinking establishment, specifically a Starbucks, with one drive-through lane on a parcel of property which had previously been developed and used as a bank. The Township Solicitor, Kristin Camp, has prepared a Decision for the Board's consideration which includes fourteen conditions. Chairman Conklin moved to approve the Decision as drafted by Solicitor Camp with the conditions proposed and to not require the Applicant to submit a lighting plan or a plan which depicts the utilities within 50 feet of the Property. Vice-Chairman Boorse seconded the motion. Supervisor Shiring abstained from voting due to a conflict of interest. The Conditional Use Decision for Land Source, LLC was approved with two in favor and one abstention.

AUTHORIZE RFP FOR SEWER PLANT OPERATOR

Chairman Conklin moved to authorize requests for proposals for contract operations and maintenance services for the Township wastewater treatment plant located at 1288 Wilmington Pike. Supervisor Shiring seconded the motion which was unanimously approved.

HARB REPORT/1112 DANIEL DAVIS LANE

HARB met on October 17th to consider the application of Morris Weisman and Kristin Ramsdell, 1112 Daniel Davis Lane, to replace the existing cedar roof with architectural design asphalt shingles. The roof will be CertainTeed Landmark Pro Designer Shingles, color Max Def Burnt Sienna. Chairman Conklin moved to approve the Certificate of Appropriateness as recommended by HARB. Vice-Chairman Boorse seconded the motion which was unanimously approved.

HISTORICAL COMMISSION REPORT

The Township's Historical Commission (HC) attended the September 11th Supervisors' meeting and provided proposed criteria for the designation of a Township Historic Resource and a list of historical resources in the Township. Several concerns and issues were brought up at that meeting. The HC was back tonight with answers and a request that the Board consider an ordinance for the proposed criteria. Carla Westerman, Chairperson for the HC, provided the following to the Board for its consideration:

- Copies of ordinances/criteria from surrounding townships: Pennsbury; East Bradford; East Marlborough; Thornbury and Westtown with a note that Pocopson Township does not have a Historical Commission. Mrs. Westerman noted that each township was different in its criteria and the HC decided it would be better served to generate its own criteria based on the National Park Service. Discussion ensued on the criteria.

Vice-Chairman Boorse wondered why Birmingham would change from its Class I and II criteria if other townships were using Class I and II as well.

Mike Forbes, HC member, said that the criteria becomes arbitrary by not following the National Park Service Standards for the treatment of historic properties and the PA State Historic Preservation Office Standards and Guidelines for Preservation Planning.

Mary DeNadai, Meetinghouse Road resident and noted preservation architect with John Milner Architects, Inc., was instrumental in the compilation of the criteria for the designation of historical resources. She said that the criteria has stood the test of the court system and it is federal and state criteria. There were 81 historical resources identified in the Township that met the criteria. The date of construction; the type or architect and the criteria applicable to each property are identified on the master list of historic resources.

Kristin Camp said that the criteria for historic resources was established with the adoption of the Cultural Resources Component of the Comprehensive Plan. The new criteria proposes is more specific; less subjective; and more defensible.

Cynthia Emlet, Samuel Lane resident, said she resides in a converted barn that was built in the 1700's. She felt that the residents should have input on whether or not they want to be on this historic resource list. It was determined that the Emlet property was not on the list as it did not meet the criteria because there were so many modifications to the structure. It was noted that there is a process for a property to be added or subtracted from the list.

- Sample letters prepared by resident Susan Walters to notify property owners that their properties were either in the HARB district or were a historic resource were provided to the Board.
- The Master Historic Resource List has been cleaned up. Structures demolished were moved off and four properties were added, three from the Radley Mather fox hunting complex and the blue house on Creek Road.

Karen Marshall, Heritage Preservation Coordinator for Chester County, stated that Birmingham Township is a leader in the county in reviewing its criteria for the establishment of historic resources as the criteria is very vague for many townships. Structures will start being reviewed when they are fifty years old to see if another criteria on the list is met.

Mary DeNadai added that the IRS uses fifty years as the rule for a historic tax credit for income producing properties.

Chairman Conklin thought that fifty years was somewhat arbitrary, but all year's limits are. The issue becomes how far the Township wants to go financially to protect historic resources. He noted that Birmingham Township is what it is today because of the protection of historic resources. He thanked Mary DeNadai for all her work on developing the master list of historic resources which he thought was very worthwhile.

The Board discussed tabling the matter but Supervisor Shiring felt that the Board needs to see how the proposal from the HC fits into the zoning ordinance as that is the only way this can truly be reviewed and analyzed in order to see what the next step is for the Township. The Board concurred.

AUTHORIZE ADVERTISING ON 2018 BUDGET

Sect./Treas. Nelling reported that a public meeting to discuss the 2018 budget was held on October 25th. Some minor changes were made to the budget.

- 2018 General Fund Revenues increased \$20,590.
- 2018 Budgeted Revenues \$2,327,803. (includes a carry forward of \$916,663.)
- 2018 General Fund Expenditures increased \$15,015.
- 2018 Budgeted Expenditures \$1,696,058.
- 2019 Carry Forward increased by \$5,575. to \$631,745.
- Millage rate remained the same at 1.6 mills
- 2018 Sewer Fund Revenues \$765,491. (no changes from the budget meeting) (includes a carry forward of \$367,171.)
- 2018 Sewer Fund Expenditures \$382,259. was increased by \$10,000. in order to include repairs recommended by the Sewer Administrator, William Kirkpatrick
- 2019 Carry Forward \$383,232.
- Sewer Rent for the Township sewer plant will remain at \$153.00/quarter
- No changes to the State Fund Budget

Supervisor Shiring moved to authorize advertising for public inspection of the preliminary 2018 budget with final adoption scheduled for December 4th. Vice-Chairman Boorse seconded the motion which was unanimously approved.

WEBSITE MAINTENANCE

Sect./Treas. Nelling requested that Judy Jensen be paid \$250./month for website maintenance. She inputs information on the web site provided by the Township; works directly with Virtual Towns who hosts the site; and creates documents, such as the volunteer form, for the web site. This item will be added to the organizational agenda annually. The old web site was developed and maintained by Debra Gallek who was paid hourly and the cost averaged about \$300./month.

Vice-Chairman Boorse moved to appoint Judy Jensen to maintain the Township web site at \$250./month. Chairman Conklin seconded the motion which was unanimously approved.

ANNOUNCEMENTS

Chairman Conklin gave the following announcements:

The Township was the conduit for grant funding from the National Park Service to the Civil War Preservation Trust for the purchase of the Dilworth Farm Property, 1370 Birmingham Road. This process is complete. The property has transferred to the Civil War Preservation Trust and will be preserved and protected as open space.

The Supervisors met in executive session on October 26th to discuss personnel matters.

The Brandywine 2017 reenactment demonstration of the historic revolutionary war battle boasted 900+ reenactors and 14,000 guests, 8,000 estimated on Saturday and 6,000 on Sunday. The cost of the event was approximately \$50,000. (budget \$45,000.) with contributions of approximately \$31,000.(budget \$10,000.). The expense includes \$6,400. for police. This event was more than double the size of the 2014 event with fewer volunteers. The mission of the event was to create an awareness of the historic battle while providing information and a reenactment demonstration. The benefit of the event will be measured in the image of Birmingham Township as a host in the view of residents, neighbors, and all interested in its history.

PUBLIC COMMENT

Jarl Mork, Brinton's Bridge Road, commended the Board for the preservation of several properties in the Township. He expressed his appreciation of the Board's authorizing Fronefield Crawford, Esq. to represent Birmingham Township in the hearings for the Crebilly Farm Development and for the Township's request to be a party of interest in the proceedings. He expressed concern over the traffic impact to Birmingham that will be created by 317 new homes and 2,700 new car movements/day. He requested that the Township pursue plans for the mitigation of traffic at the five points intersection at Dilworthtown.

Chairman Conklin explained that most of the roads are PennDOT and not Township roads. He said that the Supervisors have limited influence over the proceedings. The Supervisors have to be steward of the taxpayers' money. He asked Mr. Mork what he really thought the Supervisors could do about development growth in Chester County?

Vice-Chairman Boorse said that the Supervisors had specifically requested that Fronefield Crawford, Esq. be alert to traffic issues and the impact of traffic on surrounding roads. There would be an impact on Street Road and South New Street Road but he doubted that there would be much impact on the five points intersection. He asked Mr. Mork if he had factual data to support his claims? He added that the Supervisors are open to input on suggestions as to what can be done?

Solicitor Camp said that a request to extend the traffic scopes should be made during the land development plan process and that it is too early at this stage until any improvements have been identified.

Bill Worth, Meetinghouse Road, asked the Board to reach out to Westtown Township Supervisors and encourage them to scale down the development.

Mr. Mork asked about the status of a Township owned park next to Fenceworks for access to the Brandywine River? Chairman Conklin replied that there is no offer yet, but it wasn't appropriate until the work on the Rt. 926 Bridge was complete. A request at the Recreation, Park and Open Space meeting is the approach to pursue a plan for a park.

Cynthia Emlet, Samuel Lane, asked the Board to consider putting into place an ordinance prohibiting drones in the Township. She has an anticipation of privacy which has been invaded because of a neighbor that is using a high definition camera on a drone to look into the windows of her home and to look at people swimming in her pool.

The Supervisors asked Kristin Camp to look into regulations for drones. The Township is limited to what it can do because of FAA regulations. Supervisor Shiring suggested that the District Attorney's office be contacted for privacy invasion issues as the Township can only govern ordinances on land use.

The meeting was adjourned at 8:55 PM. (JLC;SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register

BIRMINGHAM TOWNSHIP

06-Nov-17

	Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND					
	18927	11/6/2017	80	AQUA PENNSYLVANIA	\$48.18
<i>VOID</i>	18928	11/6/2017	1001979	ASPHALT PAVING SYSTEMS, INC	\$3,550.00
	18929	11/6/2017	366	BUCKLEY, BRION, MCGUIRE ATTY	\$2,488.50
	18930	11/6/2017	873	CARDMEMBER SERVICE	\$384.38
	18931	11/6/2017	1002121	CLEVENS K-9 SCOOP LLC	\$105.00
	18932	11/6/2017	1001902	COMCAST CABLE	\$219.20
	18933	11/6/2017	909	CONCORD TOWNSHIP VFRA	\$30,832.02
	18934	11/6/2017	114	FRONEFIELD CRAWFORD, JR. LL	\$940.00
	18935	11/6/2017	1002182	GALE M FITZPATRICK	\$85.00
	18936	11/6/2017	176	GOOD FELLOWSHIP RELIEF ASS	\$7,708.00
	18937	11/6/2017	780	GUMBALL MEDIA, LLC \ LAND ART	\$675.00
	18938	11/6/2017	21	H. A. THOMSON	\$2,243.00
	18939	11/6/2017	1001755	MAJIC LANDSCAPES	\$1,546.00
	18940	11/6/2017	3	PA TWP HEALTH INS COOP TRU	\$6,848.78
	18941	11/6/2017	178	PAGE EXCAVATING COMPANY, I	\$11,170.00
	18942	11/6/2017	29	PECO ENERGY	\$398.29
	18943	11/6/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$14.00
	18944	11/6/2017	1001954	RADLEY RUN COUNTRY CLUB	\$60.00
	18945	11/6/2017	811	S & S CLEANING SERVICE	\$388.00
	18946	11/6/2017	1001833	STAPLES BUSINESS ADVANTAG	\$60.82
<i>VOID</i>	18947	11/6/2017	1001691	UNITED TIRE OF EAST CALN	\$551.80
	18948	11/6/2017	1002181	VIRTUAL TOWN HALL HOLDINGS	\$1,995.00
	18949	11/6/2017	214	WEST CHESTER FIREMENS RELI	\$7,708.00

Bank Totals:

~~\$80,048.97~~

Total Of Checks:

~~\$80,048.97~~

75,917.17

Check Register**BIRMINGHAM TOWNSHIP**

06-Nov-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9507	11/6/2017	80	AQUA PENNSYLVANIA	\$1,296.50
9508	11/6/2017	1002318	BIG FISH ENVIRONMENTAL SER	\$5,035.38
9509	11/6/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$374.00
9510	11/6/2017	780	GUMBALL MEDIA,LLC\LAND ART	\$1,200.00
9511	11/6/2017	1001755	MAJIC LANDSCAPES	\$460.00
9512	11/6/2017	29	PECO ENERGY	\$137.50
9513	11/6/2017	586	VERIZON 610-399-6923 315	\$39.55
9514	11/6/2017	574	WASTE MANAGEMENT OF SOUT	\$66.59
9515	11/6/2017	1001834	WM P MCGOVERN INC	\$1,856.25
Bank Totals:				\$10,465.77
Total Of Checks:				\$10,465.77

Check Register**BIRMINGHAM TOWNSHIP**

25-Oct-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
18900	10/25/2017	1001926	AJ BLOSENSKI, INC.	\$147.74
18901	10/25/2017	557	ALL SEASONS LANDSCAPING C	\$874.81
18902	10/25/2017	80	AQUA PENNSYLVANIA	\$2,348.25
18903	10/25/2017	366	BUCKLEY, BRION, MCGUIRE ATTY	\$2,125.72
18904	10/25/2017	66	CCATO	\$65.00
18905	10/25/2017	617	CHESTER WATER AUTHORITY	\$653.40
18906	10/25/2017	1001994	CLARK HILL PLC	\$1,890.00
18907	10/25/2017	1001560	COMSTAR TECHNOLOGIES	\$425.07
18908	10/25/2017	780	GUMBALL MEDIA, LLC LAND ART	\$984.00
18909	10/25/2017	21	H. A. THOMSON	\$14,588.00
18910	10/25/2017	1002352	IMPERIAL DYNASTY ARTS PROG	\$124.00
18911	10/25/2017	517	INDEPENDENCE BLUE CROSS	\$4,953.62
18912	10/25/2017	1002052	JENNIFER A BOORSE	\$525.00
18913	10/25/2017	938	JOHN L CONKLIN	\$100.00
18914	10/25/2017	205	PARKWAY DRY CLEANERS, INC.	\$229.90
18915	10/25/2017	29	PECO ENERGY	\$21.62
18916	10/25/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$31.54
18917	10/25/2017	929	POLICE LAW SERVICES	\$40.00
18918	10/25/2017	171	REILLY & SONS INC.	\$1,159.97
18919	10/25/2017	507	ROTHWELL DOCUMENT SOLUTI	\$168.76
18920	10/25/2017	1001833	STAPLES BUSINESS ADVANTAG	\$431.64
18921	10/25/2017	1002353	THE CLASSIC DINER CATERING	\$45.00
18922	10/25/2017	1002354	THE MEAT HOUSE CHADDS FOR	\$62.00
18923	10/25/2017	23	VANDEMARK & LYNCH, INC.	\$7,097.49
18924	10/25/2017	1002154	VERIZON 610-4291316 676	\$48.68
18925	10/25/2017	61	VERIZON 610-793-2600-794	\$324.61
18926	10/25/2017	1001913	VERIZON WIRELESS	\$149.01
Bank Totals:				\$39,614.83
Total Of Checks:				\$39,614.83

Check Register**BIRMINGHAM TOWNSHIP**

25-Oct-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9500	10/25/2017	366	BUCKLEY,BRION,MCGUIRE ATTY	\$170.00
9501	10/25/2017	1001859	COYNE CHEMICAL	\$1,502.35
9502	10/25/2017	1001970	EAST BRADFORD TOWNSHIP	\$3,881.13
9503	10/25/2017	21	H. A. THOMSON	\$4,675.00
9504	10/25/2017	171	REILLY & SONS INC.	\$570.19
9505	10/25/2017	23	VANDEMARK & LYNCH, INC.	\$653.21
9506	10/25/2017	586	VERIZON 610-399-6923 315	\$53.48
Bank Totals:				\$11,505.36
Total Of Checks:				\$11,505.36

Check Register**BIRMINGHAM TOWNSHIP**

05-Oct-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
18851	10/9/2017	873	CARDMEMBER SERVICE	\$225.01
18852	10/9/2017	415	COLLEEN M. PIMER	\$161.00
18853	10/9/2017	422	HARRY TILLMAN AUTOMOTIVE L	\$109.98
18854	10/9/2017	1002001	LINDA KAAT	\$3.99
18855	10/9/2017	29	PECO ENERGY	\$327.99
18856	10/9/2017	1001977	PMRS (NON-UNIFORM)	\$832.05
18857	10/9/2017	64	PMRS (UNIFORM)	\$2,496.15
18858	10/9/2017	811	S & S CLEANING SERVICE	\$548.00
18859	10/9/2017	740	THORNBURY SERVICES	\$336.20
18860	10/9/2017	1002344	TRIPLE FRESH INC	\$98.50
18861	10/9/2017	1002003	TYNAN CONSULTANTS	\$23.52
18862	10/9/2017	96	U.S. IDENTIFICATION MANUAL	\$82.50
Bank Totals:				\$5,244.89
Total Of Checks:				\$5,244.89

Check Register

BIRMINGHAM TOWNSHIP

05-Oct-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9478	10/9/2017	149	AECOM	\$753.62
9479	10/9/2017	29	PECO ENERGY	\$165.28
Bank Totals:				\$918.90
Total Of Checks:				\$918.90

Check Register**BIRMINGHAM TOWNSHIP**

09-Oct-17

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
18863	10/10/2017	11	21ST CENTURY MEDIA - PHILLY	\$335.26
18864	10/10/2017	79	BRANDYWINE VALLEY SPCA	\$154.50
18865	10/10/2017	775	CONVENIENT CAR CARE CORPO	\$299.40
18866	10/10/2017	381	FEDEX	\$36.16
18867	10/10/2017	2	FREEDOM SYSTEMS	\$1,829.00
18868	10/10/2017	114	FRONEFIELD CRAWFORD. JR. LL	\$1,700.00
18869	10/10/2017	46	GALLS, LLC	\$120.15
18870	10/10/2017	30	PECO ENERGY (TRAFFIC LIGHT)	\$14.01
18871	10/10/2017	1002033	THE ICE BUTLER	\$606.00
18872	10/10/2017	917	WITMER PUBLIC SAFETY GROU	\$189.35
Bank Totals:				\$5,283.83
TRUMARK SEWER FUND				
9480	10/10/2017	1002318	BIG FISH ENVIRONMENTAL SER	\$4,350.00
9481	10/10/2017	798	PA ONE CALL SYSTEM, INC.	\$3.52
9482	10/10/2017	29	PECO ENERGY	\$2,345.28
Bank Totals:				\$6,698.80
Total Of Checks:				\$11,982.63