

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
NOVEMBER 5, 2018**

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

Scott Boorse	-	Chairman, Board of Supervisors
Michael Shiring	-	Vice-Chairman, Board of Supervisors
J. Daniel Hill	-	Member, Board of Supervisors

Vice-Chairman Shiring moved to approve the October 1, 2018 minutes as written. Supervisor Hill seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment since the October 1<sup>st</sup> meeting. General Fund bills totaled \$146,804.38. Sewer Fund bills totaled \$38,223.07. Chairman Boorse seconded the motion and the bills were unanimously approved.

Chairman Boorse administered the oath of office to newly hired part-time police officer Robert Dowd.

Chairman Boorse read a letter dated October 28, 2018 to Chief Nelling from James Vito, President of the Chester County Hero Fund. Mr. Vito acknowledged that the law office of Goldberg, Goldberg, and Janoski had provided a generous contribution to the Chester County Hero Fund in recognition of the efforts of Chester County Detective Robert Balchunis and Birmingham Township Police Sergeant Christopher Urbany in recognition of the dedicated investigation and exemplary law enforcement service provided regarding the accident and prosecution in the case of Commonwealth v. Remington Simmons.

**HARB REPORT**

**ROBERTSON/1362 BRINTON RUN DRIVE/BREEZEWAY ENCLOSURE**

At its meeting on October 17<sup>th</sup>, HARB recommended that a Certificate of Appropriateness be issued to Carla Robertson, 1362 Brinton Run Drive, for the enclosure of the breezeway at her home. The following work will be performed:

- Installation of new cedar siding on locations inside and outside to closely match the existing siding. The siding will be painted with Benjamin Moore paint; color Revere Pewter (HC-172), to match the existing siding. Existing vinyl corners will be used. If cedar siding is not available, then Hardie Board siding will be used.
- Installation of two new Simonton (or equivalent) vinyl windows with integral fin and channel on the front.
- Installation of a six foot sliding door on the back to match the existing sliding door on the back deck.
- Removal of the existing plywood soffit and the installation of new southern vinyl beaded soffit (white) with trim.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness as recommended by HARB. Supervisor Hill seconded the motion which was unanimously approved.

**PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN FOR 1360 OLD WILMINGTON PIKE/ANASTASIADIS**

At its meeting on October 9<sup>th</sup> the Planning Commission recommended approval of the Preliminary/Final Minor Subdivision Plan for 1360 Old Wilmington Pike. The Plan, dated August 21, 2018, last revised September 18, 2018, consisting of eight sheets, and prepared by Edward B. Walsh and Associates (EBW), proposes the subdivision of an existing 3.8+/- lot into three lots with the existing house to be demolished and the construction of new single family homes on all three lots which will utilize a shared driveway.

The Planning Commission recommended approval of the Plan subject to the outstanding issues from the Township's consultants. (Township Engineer, Jim Hatfield's review letter of October 4, 2018; and Township Sewer Engineer, Sandi Morgan's review letter of September 25, 2018). The Planning Commission also recommended that to the extent practical, that the applicant preserve as many trees as possible on the property, specifically the perimeter trees.

Adam Brower of EBW presented the plans to the Board and reviewed the status of each open item in the review letters from the consultants.

- Each lot will be 1.2 acres net.
- Piping for the public sewer will go through the embankment.
- Well testing has not been done on lots 1 and 2.
- Lots are large enough for their own recreational activities so a waiver is requested from Section 103.26.B to not require the dedication of any land for park, recreation, and open space use.
- Seven trees between lots 2 and 3 will be preserved
- New sewer laterals will be installed for lots 1 and 2. There is an existing sewer lateral for lot 3.
- A waiver is requested from Section 103.27.A.6.c to not require the widening of Old Wilmington Pike from 19 to 24 feet.

Solicitor Camp stated:

- An escrow will need to be posted for the abandonment of the existing sewer facilities and the construction of the laterals for the public sewer.
- The driveway easement agreement will need to be recorded with the plans.
- Changes to the Plan by the Chester County Conservation District for the NPDES permit will require a review by the Township Engineer.

Vice-Chairman Shiring moved to adopt Resolution 18-1105 to approve the Preliminary/Final Subdivision Plans for 1360 Old Wilmington Pike for Constantine and Eleni Anastasiadis as recommended by the Planning Commission with the conditions of approval as prepared by the Township Solicitor and to grant the two waivers requested. Supervisor Hill seconded the motion which was unanimously approved.

### **INTERMUNICIPAL FIRE PROTECTION ORDINANCE HEARING**

Supervisor Hill moved to adopt Ordinance 18-02 authorizing the Township to enter into an intermunicipal fire services agreement with the Borough of West Chester Fire Department to provide protection services to certain portions of the Township. The intermunicipal fire services agreement also includes East Bradford Township; Thornbury Township; West Goshen Township and Westtown Township. The annual contribution for fire protection services is \$39,777.00/yr. for the five year contract, which is a 3.4% increase over the last contract. Chairman Boorse seconded the motion and Ordinance 18-02 was unanimously approved.

### **AQUA WASTEWATER CONVEYANCE AGREEMENT**

East Bradford Township is in the process of selling its sewage facilities to Aqua Pennsylvania Wastewater, Inc. (Aqua). Birmingham Township has previously entered into intergovernmental agreements dated July 14, 1992 and March 15, 1999 for public sewer for 13 homes on General Howe Drive and 6 homes on East Regimental Drive to be serviced through the sewage facilities of East Bradford to the Borough of West Chester sewer system for treatment at the Goose Creek Wastewater Treatment Plant. Birmingham Township needs to enter into a wastewater conveyance agreement with Aqua in order to continue to convey wastewater from the 19 homes in Birmingham Township. It was anticipated that the agreement would be ready for execution tonight but action is deferred until the December 3<sup>rd</sup> meeting as the agreement was just received prior to the meeting without an opportunity for review.

### **HISTORICAL COMMISSION**

At its September 25<sup>th</sup> meeting the Historical Commission (HC) finalized recommended changes to three documents for the Board's consideration.

1. The HC application be changed to require a 14 day vs. the current 7 day requirement for an applicant to notify neighbors of a building permit being considered for an historic property.
2. The Guidelines for an Applicant be updated for six minor wordsmithing changes.
3. The approval of an HC timeline checklist to assure a timely completion of all steps.

HC Chairman Michael Forbes was present on behalf of the HC to request these changes to the documents which he said would stabilize the process and make it easier for applicants to understand.

Chairman Boorse said that the Board has been reviewing all aspects of the operation of the HC and the Class I and Class II structures that have been identified. The Board anticipates having a recommendation by the end of the year for the goals and direction for the HC so they deferred on acting on the request from the HC as the Board plans on ordinance changes and all the changes can be incorporated at the same time.

### **2019 PRELIMINARY BUDGET**

The Board met on October 16<sup>th</sup> to prepare the budget for 2019. Proposed General Fund Revenues are \$2,272,505. which includes a carry forward of \$887,020. Proposed General Fund Expenditures are \$1,637,361. The millage rate will remain at 1.6 mills. The sewer rent will remain at \$153.00/quarter. Chairman Boorse moved to authorize advertising for public

inspection of the preliminary budget with final adoption at the December 3<sup>rd</sup> meeting. Vice-Chairman Shiring seconded the motion which was unanimously approved.

**PUBLIC COMMENT**

Sharon Duranza, Penns Way, was present to discuss misuse of HOA funds for personal benefit by the HOA officers. Solicitor Camp explained that an HOA is governed by State Statute and they are not under the jurisdiction of the Township. Members of the HOA have legal recourse but a private attorney would need to be retained to review the matter. Ms. Duranza was referred to the Chester County Bar Association where she could get guidance on lawyers that specialize in HOA law.

The meeting was adjourned at 8:39 PM. (MTS;JDH)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

09-Oct-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19489	10/9/2018	80	AQUA PENNSYLVANIA	\$2,407.38
19490	10/9/2018	79	BRANDYWINE VALLEY SPCA	\$42.43
19491	10/9/2018	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
19492	10/9/2018	775	CONVENIENT CAR CARE CORPO	\$209.65
19493	10/9/2018	114	FRONEFIELD CRAWFORD, JR. LL	\$540.00
19494	10/9/2018	46	GALLS, LLC	\$110.95
19495	10/9/2018	422	HARRY TILLMAN AUTOMOTIVE L	\$438.50
19496	10/9/2018	205	PARKWAY DRY CLEANERS, INC.	\$164.18
19497	10/9/2018	30	PECO ENERGY (TRAFFIC LIGHT)	\$5.74
19498	10/9/2018	171	REILLY & SONS INC.	\$414.30
19499	10/9/2018	75	RJCRAIG GRAPHICS & DESIGN	\$69.00
19500	10/9/2018	811	S & S CLEANING SERVICE	\$388.00
19501	10/9/2018	96	U.S. IDENTIFICATION MANUAL	\$82.50
19502	10/9/2018	278	UNRUH, TURNER, BURKE & FRE	\$1,635.83
<b>Bank Totals:</b>				<b>\$6,592.46</b>
<b>Total Of Checks:</b>				<b>\$6,592.46</b>

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

09-Oct-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9699	10/9/2018	80	AQUA PENNSYLVANIA	\$1,438.09
9700	10/9/2018	1001859	COYNE CHEMICAL	\$1,288.00
9701	10/9/2018	1001970	EAST BRADFORD TOWNSHIP	\$3,881.13
9702	10/9/2018	29	PECO ENERGY	\$35.43
9703	10/9/2018	1001834	WM P MCGOVERN INC	\$1,071.00
<b>Bank Totals:</b>				<b>\$7,713.65</b>
<b>Total Of Checks:</b>				<b>\$7,713.65</b>

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

16-Oct-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19503	10/16/2018	1001994	CLARK HILL PLC	\$441.00
19504	10/16/2018	560	DRUGSCAN, INC.	\$168.00
19505	10/16/2018	21	H. A. THOMSON	\$14,735.00
19506	10/16/2018	517	INDEPENDENCE BLUE CROSS	\$6,904.37
19507	10/16/2018	3	PA TWP HEALTH INS COOP TRU	\$81.40
19508	10/16/2018	29	PECO ENERGY	\$121.49
19509	10/16/2018	30	PECO ENERGY (TRAFFIC LIGHT)	\$29.30
19510	10/16/2018	171	REILLY & SONS INC.	\$485.56
19511	10/16/2018	1001833	STAPLES BUSINESS ADVANTAG	\$73.77
19512	10/16/2018	424	UNITED STATES POSTAL SERVI	\$500.00
19513	10/16/2018	23	VANDEMARK & LYNCH, INC.	\$5,834.44
19514	10/16/2018	1002154	VERIZON 610-4291316 676	\$53.31
19515	10/16/2018	61	VERIZON 610-793-2600-794	\$342.43
19516	10/16/2018	917	WITMER PUBLIC SAFETY GROU	\$392.70
<b>Bank Totals:</b>				<b>\$30,162.77</b>
<b>Total Of Checks:</b>				<b>\$30,162.77</b>

# Check Register

BIRMINGHAM TOWNSHIP

16-Oct-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9704	10/16/2018	21	H. A. THOMSON	\$4,611.00
9705	10/16/2018	1002470	HRG	\$4,415.00
9706	10/16/2018	798	PA ONE CALL SYSTEM, INC.	\$41.44
9707	10/16/2018	586	VERIZON 610-399-6923 315	\$54.64
<b>Bank Totals:</b>				<b>\$9,122.08</b>
<b>Total Of Checks:</b>				<b>\$9,122.08</b>



# Check Register

BIRMINGHAM TOWNSHIP

24-Oct-18

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19517	10/24/2018	1001913	VERIZON WIRELESS	\$189.23
<b>Bank Totals:</b>				<b>\$189.23</b>
<b>Total Of Checks:</b>				<b>\$189.23</b>

**Check Register by Bank / Fund**

IINGHAM TOWNSHIP

Check No	Check Date	Vendor Number/Name	Check Amount	Status
<b>Bank Account: 81 TRUMARK SEWER FUND</b>				
<b>Fund: 08</b>				
9708	11/5/2018	149 AECOM	\$2,083.43	O
9709	11/5/2018	80 AQUA PENNSYLVANIA	\$1,387.17	O
9710	11/5/2018	1001859 COYNE CHEMICAL	\$3,401.99	O
9711	11/5/2018	585 EMERGENCY SYSTEMS SE	\$1,645.84	O
9712	11/5/2018	780 GUMBALL MEDIA,LLC\LAND	\$1,850.00	O
9713	11/5/2018	1001755 MAJIC LANDSCAPES	\$585.00	O
9714	11/5/2018	1002392 TRI-COUNTY PEST CONTR	\$60.00	O
9715	11/5/2018	586 VERIZON 450-748-892-0001-	\$48.48	O
9716	11/5/2018	1002401 WALTON WATER SERVICES	\$8,580.04	O
9717	11/5/2018	574 WASTE MANAGEMENT OF	\$79.39	O
9718	11/5/2018	1001834 WM P MCGOVERN INC	\$1,666.00	O
<b>Fund Total:</b>			<b>\$21,387.34</b>	
<b>Bank Total:</b>			<b>\$21,387.34</b>	

# Check Register by Bank / Fund

INGHAM TOWNSHIP

Check No	Check Date	Vendor Number/Name	Check Amount	Status
<b>Bank Account: 11 TRUMARK GENERAL FUND</b>				
<b>Fund: 01</b>				
19518	11/5/2018	11 21ST CENTURY MEDIA - PHI	\$297.56	O
19519	11/5/2018	149 AECOM	\$1,121.85	O
19520	11/5/2018	1001926 AJ BLOSENSKI, INC.	\$147.74	O
19521	11/5/2018	80 AQUA PENNSYLVANIA	\$63.43	O
19522	11/5/2018	9 BRUCE E MAPES, PHD	\$200.00	O
19523	11/5/2018	873 CARDMEMBER SERVICE	\$88.69	O
19524	11/5/2018	600 CHESCO HISTORIC PRESE	\$85.00	O
19525	11/5/2018	617 CHESTER WATER AUTHORI	\$653.40	O
19526	11/5/2018	1001902 COMCAST CABLE	\$104.85	O
19527	11/5/2018	909 CONCORD TOWNSHIP VFR	\$27,978.54	O
19528	11/5/2018	775 CONVENIENT CAR CARE C	\$569.05	O
19529	11/5/2018	232 ELYSE/BERBEN INSIGNIA	\$45.40	O
19530	11/5/2018	46 GALLS, LLC	\$1,128.51	O
19531	11/5/2018	933 GARNET AUTOMOTIVE GRO	\$552.95	O
19532	11/5/2018	702 GEORGE SPYROPOULOS, D	\$150.00	O
19533	11/5/2018	780 GUMBALL MEDIA,LLC\LAND	\$2,160.00	O
19534	11/5/2018	21 H. A. THOMSON	\$14,271.56	O
19535	11/5/2018	27 H. A. WEIGAND INC.	\$1,595.60	O
19536	11/5/2018	422 HARRY TILLMAN AUTOMOTI	\$796.70	O
19537	11/5/2018	1002052 JENNIFER A BOORSE	\$400.00	O
19538	11/5/2018	1001755 MAJIC LANDSCAPES	\$2,034.00	O
19540	11/5/2018	1001910 NEW HOLLAND FORD ISUZ	\$29,971.00	O
19541	11/5/2018	3 PA TWP HEALTH INS COOP	\$7,417.44	O
19542	11/5/2018	29 PECO ENERGY	\$330.64	O
19543	11/5/2018	30 PECO ENERGY (TRAFFIC LI	\$139.62	O
19544	11/5/2018	554 RED THE UNIFORM TAILOR	\$1,124.00	O
19545	11/5/2018	171 REILLY & SONS INC.	\$681.90	O
19546	11/5/2018	507 ROTHWELL DOCUMENT SO	\$205.48	O
19547	11/5/2018	26 SIGNAL SERVICE INC.	\$310.00	O
19548	11/5/2018	1001833 STAPLES BUSINESS ADVAN	\$417.57	O
19549	11/5/2018	1002392 TRI-COUNTY PEST CONTR	\$100.00	O
19550	11/5/2018	23 VANDEMARK & LYNCH, INC.	\$662.40	O
19551	11/5/2018	214 WEST CHESTER FIREMENS	\$13,989.27	O
<b>Fund Total:</b>			<b>\$109,794.15</b>	
<b>Bank Total:</b>			<b>\$109,794.15</b>	