

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MARCH 4, 2019**

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
Michael Shiring	-	Vice-Chairman
J. Daniel Hill	-	Supervisor

Vice-Chairman Shiring moved to approve the March 4, 2019 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. General Fund bills totaled \$83,384.95. Sewer Fund bills totaled \$22,651.00. 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 William Behndt.

Chairman Boorse said the residents were fortunate to have their own Police Department and he commended the response time of less than three minutes by the Birmingham Police Department compared to a 15 – 20 minute response time by the State Police.

FOOTE ZHB APPLICATION/1356 FIELDPOINT DR./PATIO ADDITION

On March 20th, the Zoning Hearing Board will be considering an application from Alexander Foote, 1356 Fieldpoint Drive, for dimensional variances to replace a damaged deck with a new, slightly larger patio. The requested variances are:

- From the 10% maximum lot coverage requirement in Section 122-19 of the Zoning Chapter of the Township Code in order to increase the existing lot coverage from 16.86% to 18.22%.
- From the minimum 90% green space requirement of Section 122-19 of the Code in order to decrease the existing green space from 83.14% to 81.78%.
- From the non-conforming lot requirements of Section 122.109 of the Code.

In response to questions from the Board, Mr. Foote said that pavers would be used on the patio and his property backs up to the large farm in Fieldpoint.

Vice-Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board to render an appropriate decision after reviewing the testimony received at the hearing. Supervisor Hill seconded the motion which was unanimously approved.

1031 COUNTRY CLUB ROAD/GATES

HARB RECOMMENDATION ON POOL HOUSE, WALL RUINS & SHED

At its meeting on February 19, 2019, HARB recommended that a Certificate of Appropriateness be issued to Kevin and Julia Gates, 1031 Country Club Road, to construct a pool house, renovation of the existing shed ruin walls; and construction of a shed.

- The pool house will be constructed of Serpentine stone. The gables will be Hardie Board; the color will match the color being used on the main house. According to the plans, the windows will be Pella Architect Series Reserve windows and the roof will be slate.
- The existing shed ruin walls will remain but will be repaired (repointed) where needed.
- The shed will be stucco. The color will be natural sand finish. The roof will be slate.
- Before construction of the pool begins, the applicants will have to submit samples of the pool coping and finish materials (to be reviewed by the Building Inspector).

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

ITEMS IN 2/4/19 REVIEW LETTER FROM VANDEMARK & LYNCH, INC.

Julia Gates; Danilo Maffei, Landscape Design, and Richard Buchanan, Architect, were present to review items in the February 4, 2019 review letter and summary from VanDemark & Lynch, Inc. (VD&L). Mr. Buchanan said that the Gates have been sympathetic to the architecture of the region in their design. Serpentine stone from the property will be used on the structures. He also noted that the NPDES permit has been received.

Item #3 in the February 4, 2019 VD&L review letter states that the Board needs to determine if the existing vegetation along the eastern property line provides adequate screening as a 20' wide buffer planting is required around the entire perimeter of the tract. Item #4 in the February 4, 2019 VD&L review letter states that the Board and Applicant come to a resolution on what, if any, remediation is required for the removal of two trees without specific approval from the Board.

Mr. Maffei explained to the Board that two walnut trees, 24" and 14", were removed east of the proposed pool house before a landscape inventory was done on the site. They were located above the shed ruins and were growing out of the walls and destroying the walls. There are existing mature trees located at the front of the property. Other trees on the property have been identified as more significant. Approximately 80 – 100 additional evergreen and deciduous trees will be planted, although type has not been specifically determined, it will be indigenous to the area. Proposed structures are approximately 100' from adjacent property structures.

Item #5 in the February 4, 2019 VD&L review letter states that a waiver is needed from Section 103-28.B(1)(b) of the SLDO, to allow driveway slope in excess of 4% within 20 feet of the cartway of Country Club Road.

Chairman Boorse confirmed that the driveway is existing. Mrs. Gates said that there are trees located along the existing driveway. Mr. Buchanan did not think a waiver should be necessary as it is an existing non-conformity. The existing driveway has a slope of 13%.

Vice-Chairman Shiring moved that, given the distance of the proposed structures to adjacent structures, the existing vegetation, along with the proposed additional plantings to be installed, will provide adequate screening as required in Section 122-102.D(2)(a). Chairman Boorse seconded the motion which was unanimously approved.

Vice-Chairman Shiring moved to approve the removal of the two 24" and 14" walnut trees on the property (Section 122-102.D(2)(a)(1), east of the proposed pool house and wall ruins, per the explanation received that the trees were growing out of the wall ruins and that the applicant was adding deciduous and evergreen trees to the property in excess of 80 in number. Supervisor Hill seconded the motion which was unanimously approved.

Vice-Chairman Shiring moved to grant a waiver from Section 103.28.B(1)(b) of the SLDO to allow the existing driveway slope up to 13", in excess of 4% required within 20' of the cartway of Country Club Road, as no change was being made to the driveway. Chairman Boorse seconded the motion which was unanimously approved.

HARB AND HISTORICAL COMMISSION REPORT

MARSHALL/1001 MEETINGHOUSE ROAD/SHED

At its meeting on February 19th, HARB recommended that a Certificate of Appropriateness be issued to Douglas and Catherine Marshall, 1001 Meetinghouse Road, to extend the roof overhang on an existing utility building to provide an open shed/lean-to with the following conditions:

- Landscaping, including the planting of trees, must be installed on the west side of the structure to provide appropriate screening.
- The proposed windows must be moved up so that all windows line up so that there is more siding below the windows than above.

At its meeting on January 22nd, the Historical Commission moved to accept the modification to the existing run-in shed located at Historic Resource #18 per the review of a photo of the shed/building from approximately 80 years ago, the structural engineer's report, and the proposed plans for the addition to the building.

Vice-Chairman Shiring confirmed that the work had started on the structure prior to the applications being submitted.

Mrs. Marshall stated that the structure is not visible from Birmingham Road.

Chairman Boorse moved to approve the Certificate of Appropriateness for the extension of the roof overhang on the existing utility building on the Marshall property at 1001 Meetinghouse Road in order to provide an open run-in shed, as recommended by HARB, and to accept the recommendation of the Historical Commission on the same structure. Vice-Chairman Shiring seconded the motion which was unanimously approved.

VISION PARTNERSHIP GRANT FOR THE BRANDYWINE CONSERVANCY

Sheila Fleming from the Brandywine Conservancy was present to once again discuss funding for a National Historic Landmark Connectivity Plan. Ms. Fleming had attended the July 18, 2018 meeting to discuss the Plan with the Board as well. Both the Township Historical Commission and the Recreation, Park and Open Space Committee are recommending Township support. The Historical Commission is also recommending that the Township take the lead on the project, since a third of the sites are located in the township, with a suggestion that Historical Commission and Recreation, Park and Open Space Committee members form a committee to handle the administration requirements.

The Board didn't take action on the Plan in July as they had too many unanswered questions on the project. Ms. Fleming was present tonight to provide additional information. An outline was provided to the Board which included the goal, scope of work, and roles and responsibilities for the Vision Partnership Program Grant Proposal.

The Brandywine Conservancy is seeking funding to prepare a master plan for the 113 acres it owns in Birmingham Township (former O'Dell Farm) with the intention to open it up to the public for passive recreation and interpretation of the Battle of Brandywine. A consultant will be hired to develop a multi-municipal interpretive plan for the interpretive connectivity of key historic resources of the Brandywine Battlefield National Historic Landmark. Other municipalities invited to participate are East Bradford Township; Westtown Township; Thornbury Township; Pennsbury Township; Kennett Township and Chadds Ford Township in Delaware County. Pennsbury and Kennett Townships still need to be approached about the Plan.

Ms. Fleming is proposing that the National Historic Landmark Plan be funded through a Vision Partnership Grant through the Chester County Planning Commission. The estimated cost for the project is \$43,000. The proposal will request \$29,000. from the Vision Partnership Program Grant. The up-front cost for each of the seven municipalities is \$6,143. Each municipality will be reimbursed \$4,143. upon receipt of the grant, with the final cost to each municipality being \$2,000. The lead municipality is responsible to pay consultant invoices throughout the project. Copies of all invoices must be approved by Chester County prior to paying.

The Brandywine Conservancy will assist the lead municipality with tracking meeting dates and times, processing invoices, and maintaining contact information for the municipalities and task force members.

Ms. Fleming said that this grant round opens in April 2019 with grant funding awarded in the summer. The consultant will be identified in 2019. Funds will be collected from participating municipalities in 2020 with the consultant completing the project in the fall of 2020.

Supervisor Hill asked what the benefit would be for the residents? Michael Forbes, Historical Commission Chairman, responded that the main objective is to have a Plan for stewardship and preservation of the Brandywine Battlefield properties so the story of the battlefield resources is told in a consistent, cohesive manner for visitor analysis.

Chairman Boorse wanted assurance that there wouldn't be additional costs for the participating townships after this project was completed. Supervisor Hill agreed that the product produced have non-binding guidelines or reports.

Chairman Boorse asked if the Plan would become a "road map" that could be utilized by the Historical Commission or the Recreation, Park and Open Space Committee?

Kelly Fleming, Historical Commission Member, was not in favor of a lot of signage as a recommendation from the Plan but she did agree that it would be valuable to have the information that would be captured in the report. She questioned who would be the project manager?

Michael Forbes said that the Plan would be a guideline for each municipality and they could each choose how far to go with the implementation of the proposals from the Plan.

After much discussion, the Board was much more comfortable with the deliverable and level of commitment required from Birmingham Township.

Vice-Chairman Shiring moved to take the lead on the Vision Partnership Program Grant Proposal for the Brandywine Battlefield National Historic Landmark Heritage Interpretation Plan based on the recommendation from the Historical Commission with the understanding that:

- Birmingham Township will take the project manager role on the grant proposal until a consultant is hired.
- There will be no more than four payments made to the consultant from the Township.
- Mandatory participation is required from the Historical Commission and the Recreation, Park and Open Space Committee.
- There will be seven equal payments from the participating municipalities.
- No commitment is required for future expenses from this Plan.

Supervisor Hill seconded the motion which was unanimously approved.

WESTTOWN TOWNSHIP COMPREHENSIVE PLAN

At its February 12, 2019 meeting, the Birmingham Township Planning Commission reviewed the Westtown Township Comprehensive Plan. The highlights of the plan are that they want to:

1. Consider development and adoption of an official map;
2. Focus on preservation of open space, natural and historical resources;
3. Engage in land development review as it relates to their population;
4. Review and continue efforts to alleviate traffic issues and encourage public transportation.

The Planning Commission did not have any issues with the content of the plan as Birmingham Township and Westtown Township only have one and a half miles of adjoining property.

Chairman Boorse moved to forward a letter to Westtown Township stating that Birmingham Township had no issues or comments on the Westtown Township Draft Comprehensive Plan. Vice-Chairman Shiring seconded the motion which was unanimously approved.

OFFICE PERSONNEL

Secretary/Treasurer Nelling recommended a \$1.00/hr. raise for Administrative Assistant Kim Schmelzer. Mrs. Schmelzer works a minimum of 21 hours per week, M – TH 8:45 AM – 2 PM. She also requested that Mrs. Schmelzer be paid a minimum of 21 hours per week so that she would get paid for holidays; sick days (up to 4); days off (up to 8); as she is a regularly scheduled employee with the same hours and days worked each week. The effect on the budget would be less than \$500. The budget for the office staff can handle both requests as there is only one Administrative Assistant. Mrs. Nelling praised the work ethic of Mrs. Schmelzer and said she was extremely proficient; had taken initiative to improve how things were being handled in the office; and she has streamlined jobs by eliminating a lot of unnecessary paper. Chairman Boorse moved to raise Mrs. Schmelzer to \$21./hr. effective March 5, 2019 and that she be paid a minimum of 21 hours/week per the recommended proposal. Vice-Chairman Shiring seconded the motion which was unanimously approved.

During the budget process Mrs. Nelling advised the Board that she would be going on Medicare starting April 1st. The current monthly premium paid by the Township for her medical insurance is \$1,582.86 and the annual premium for dental insurance is \$431.16, for a total cost to the Township of \$19,424.54. The approximate cost for monthly Medicare coverage is \$393. for an annual cost of \$4,716. Other medical bills not covered by Medicare will cost approximately \$1,776./yr. Mrs. Nelling did not think it made financial sense for the Township to keep her on the coverages for supplemental insurance. Mrs. Nelling asked the Board for compensation to cover her Medicare premium; her unfunded Medicare medical expenses and taxes; and to terminate her coverages with the Township, which would be a cost savings of over \$10,000. Chairman Boorse moved to increase Sect./Treas. Nelling's salary by \$7,800. effective with the first pay after March 25th, with the understanding that the Township wouldn't pay for health and dental coverage after April 1st. Vice-Chairman Shiring seconded the motion which was unanimously approved.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 9:10 PM. (SCB;JDH)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

11-Feb-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9775	2/11/2019	1001859	COYNE CHEMICAL	\$3,133.25
9776	2/11/2019	798	PA ONE CALL SYSTEM,INC.	\$33.30
9777	2/11/2019	29	PECO ENERGY	\$125.59
9778	2/11/2019	1002392	TRI-COUNTY PEST CONTROL IN	\$60.00
9779	2/11/2019	586	VERIZON 450-748-892-0001-25	\$61.01
9780	2/11/2019	1001834	WM P MCGOVERN INC	\$255.00
			Bank Totals:	\$3,668.15
			Total Of Checks:	\$3,668.15

Check Register**BIRMINGHAM TOWNSHIP**

11-Feb-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
19714	2/11/2019	80	AQUA PENNSYLVANIA	\$2,348.25
19715	2/11/2019	9	BRUCE E MAPES, PHD	\$200.00
19716	2/11/2019	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,038.50
19717	2/11/2019	46	GALLS, LLC	\$382.99
19718	2/11/2019	702	GEORGE SPYROPOULOS, D.O.	\$150.00
19719	2/11/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$579.98
19720	2/11/2019	178	PAGE EXCAVATING COMPANY,I	\$7,360.00
19721	2/11/2019	205	PARKWAY DRY CLEANERS, INC.	\$153.68
19722	2/11/2019	29	PECO ENERGY	\$756.03
19723	2/11/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$10.06
19724	2/11/2019	91	PSATS	\$30.00
19725	2/11/2019	554	RED THE UNIFORM TAILOR	\$186.80
19726	2/11/2019	171	REILLY & SONS INC.	\$357.41
19727	2/11/2019	811	S & S CLEANING SERVICE	\$388.00
19728	2/11/2019	1001833	STAPLES BUSINESS ADVANTAG	\$561.98
19729	2/11/2019	1002392	TRI-COUNTY PEST CONTROL IN	\$100.00
19730	2/11/2019	746	V.E. RALPH & SON,INC.	\$17.34
19731	2/11/2019	917	WITMER PUBLIC SAFETY GROU	\$30.44
Bank Totals:				\$14,651.46
Total Of Checks:				\$14,651.46

Check Register

BIRMINGHAM TOWNSHIP

13-Feb-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9781	2/13/2019	29	PECO ENERGY	\$2,814.64
			Bank Totals:	\$2,814.64
			Total Of Checks:	\$2,814.64

Check Register**BIRMINGHAM TOWNSHIP**

04-Mar-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
19735	3/4/2019	149	AECOM	\$151.56
19736	3/4/2019	1001926	AJ BLOSENSKI, INC.	\$161.00
19737	3/4/2019	80	AQUA PENNSYLVANIA	\$47.30
19738	3/4/2019	79	BRANDYWINE VALLEY SPCA	\$109.27
19739	3/4/2019	1001950	CARA M FITZPATRICK	\$130.00
19740	3/4/2019	873	CARDMEMBER SERVICE	\$703.82
19741	3/4/2019	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
19742	3/4/2019	1001902	COMCAST CABLE	\$106.85
19743	3/4/2019	775	CONVENIENT CAR CARE CORPO	\$389.35
19744	3/4/2019	1002258	EASTERN SALT COMPANY INC	\$7,294.36
19745	3/4/2019	232	ELYSE/BERBEN INSIGNIA	\$59.50
19746	3/4/2019	1002011	FRANCOTYP-POSTALIA INC	\$237.00
19747	3/4/2019	2	FREEDOM SYSTEMS	\$123.25
19748	3/4/2019	46	GALLS, LLC	\$464.98
19749	3/4/2019	21	H. A. THOMSON	\$35.00
19750	3/4/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$474.96
19751	3/4/2019	281	IACP	\$275.00
19752	3/4/2019	517	INDEPENDENCE BLUE CROSS	\$6,904.37
19753	3/4/2019	3	PA TWP HEALTH INS COOP TRU	\$366.30
19754	3/4/2019	178	PAGE EXCAVATING COMPANY,I	\$37,240.00
19755	3/4/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$50.69
19756	3/4/2019	171	REILLY & SONS INC.	\$899.15
19757	3/4/2019	75	RJCRAIG GRAPHICS & DESIGN	\$109.00
19758	3/4/2019	26	SIGNAL SERVICE INC.	\$420.00
19759	3/4/2019	1002512	UNITED INSPECTION AGENCY IN	\$65.00
19760	3/4/2019	23	VANDEMARK & LYNCH, INC.	\$11,486.07
19761	3/4/2019	61	VERIZON 753-804-167-0001-77	\$345.71
			Bank Totals:	\$68,733.49
			Total Of Checks:	\$68,733.49

Check Register

BIRMINGHAM TOWNSHIP

04-Mar-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9782	3/4/2019	149	AECOM	\$10,895.93
9783	3/4/2019	1002509	AQUA PA WW	\$1,293.71
9784	3/4/2019	80	AQUA PENNSYLVANIA	\$1,492.94
9785	3/4/2019	2	FREEDOM SYSTEMS	\$124.15
9786	3/4/2019	75	RJCRAIG GRAPHICS & DESIGN	\$295.00
9787	3/4/2019	1002493	VERIZON 350-442-985-0001-57	\$39.06
9788	3/4/2019	574	WASTE MANAGEMENT OF SOUT	\$77.42
9789	3/4/2019	821	WILLIAM J KIRKPATRICK	\$250.00
9790	3/4/2019	1001834	WM P MCGOVERN INC	\$1,700.00
Bank Totals:				\$16,168.21
Total Of Checks:				\$16,168.21