

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
MAY 6, 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, Board of Supervisors  
J. Daniel Hill - Member, Board of Supervisors

Absent was Vice-Chairman Michael Shiring. Solicitor Kristin Camp arrived at 7:38 PM.

Supervisor Hill moved to approve the April 1, 2019 minutes as written. Chairman Boorse seconded the motion and the minutes were unanimously approved.

Supervisor Hill moved to approve the bills submitted for payment since the April 1<sup>st</sup> meeting. General Fund bills totaled \$103,774.39. Sewer Fund bills totaled \$19,233.20. State Fund Check #189 for \$189,151.00 was approved for payment to Innovative Construction Services for Inv. #13627 for the 2019 Road Program.

Chairman Boorse announced that a meeting was held at the Township Building on April 24<sup>th</sup> @ 2:30 PM on the Rt. 52 Bridge reconditioning and revitalization project. In attendance were representatives from PennDOT; Representative Carolyn Commita; Representative Steve Barrar; Pocopson Township and Birmingham Township (Scott Boorse; Dan Hill and Chief Tom Nelling). The bridge will be closed for eleven months and Creek Road will be closed from Country Club Road to the bridge approximately two months after the project begins, which is anticipated to start the end of May with the deadline to re-open the end of May 2020. Two homes in Birmingham Township will be affected by the closure of Creek Road. The bridge will not be widened. It was built in 1912 and plans are to revitalize it by taking the bridge down to the earthen base deck surface as well as the removal of the sides and walls down to the archways. The decking will be replaced with a lightweight concrete deck with bituminous paving. The entrance on each end of Creek Road will be slightly widened by two feet on each end. The timing of the project may be quicker than projected due to the sale of the Brandywine Picnic Park and the fact that it won't be impacted. The cost of the project is \$4.7 million.

**RECREATION, PARK AND OPEN SPACE (RPOS) CANDIDATE**

RPOS has recommended Dave Shields of Heartsease to fill the vacancy on the Committee. Mr. Shields was interviewed by the Supervisors prior to tonight's meeting. Mr. Shields moved into the Township last October and he has an interest in serving the community. He has a background in construction. Chairman Boorse moved to appoint Dave Shields to the RPOS Committee to a term ending in 2023. Mr. Hill seconded the motion which was carried.

**HIRE OF PART-TIME OFFICE ASSISTANT**

Sect./Treas. Nelling has recommended the hiring of a part-time office assistant to help with revamping an antiquated filing system to a new filing system using the UPI Code for each parcel

and eventually looking into digitizing documents. Prior to tonight's meeting, the Supervisors interviewed Catherine Rafter of Kennett Square, a senior at West Chester University who is graduating with honors with a Bachelor of Science in Business Marketing. Chairman Boorse moved to hire Catherine Rafter on a temporary, part-time basis at the rate of \$15.00/hr. to upgrade the Township's filing system. Supervisor Hill seconded the motion which was carried.

**HARB AND HISTORICAL COMMISSION (HC) RECOMMENDATION ON 1245 BIRMINGHAM ROAD/BIRMINGHAM FRIENDS MEETING/SHED RENOVATION FOR ADA COMPLIANCE**

At its meeting on April 23<sup>rd</sup>, HARB recommended that a Certificate of Appropriateness be issued to Birmingham Friends Meeting for the construction of an ADA family restroom in the existing storage shed. A fixed, 6-light Marvin window, measuring 32"x 28 1/16" will be installed on the south porch elevation. The trim will be painted white to match the existing trim. A solid core door measuring 6'8" high x 3' wide will be installed on the east elevation. The wood siding will be stained using Cabot's solid stain, color Seacoast Gray.

Chris Lang, representing Birmingham Friends Meeting, said that the structure was built in 1763 with an addition in 1819 and an education wing with bathrooms were added in 1967. In 1993 a storage shed was added to the east end of the Octagonal school house. The Birmingham Friends Meeting would like to locate a family ADA bathroom in the existing shed which would require the enclosure of part of the porch in order to get to the bathroom which will only be visible from the public hallway.

Chairman Boorse asked Mr. Lang if he had discussed the project with the Building Inspector? Mr. Lang responded affirmatively, but it was not in detail.

At its meeting on April 23<sup>rd</sup>, the HC recommended approval of the proposal contingent upon proof of public notification to neighbors being received. Mrs. Nelling acknowledged receipt of the notification letter and certified mail receipts.

Supervisor Hill moved to approve the Certificate of Appropriateness as recommended by HARB and to accept the recommendation of the Historical Commission for the shed renovation into an ADA compliant bathroom for the Birmingham Friends Meeting. Chairman Boorse seconded the motion which was carried.

**HISTORICAL COMMISSION (HC) RECOMMENDATION ON 1360 OLD WILMINGTON PIKE/LANDSCAPING AND HISTORIC RESOURCE IMPACT STUDY**

At its meeting on April 23<sup>rd</sup>, the HC reviewed the landscape screening between lot 3 of the new house proposed in the three lot subdivision of 1360 Old Wilmington Pike and the adjacent property at 1370 Old Wilmington Pike (HR #29). A Historic Resource Impact Study was also presented by Daniel Campbell, Architect, at the HC meeting.

The HC approved the proposed landscape plan subject to the following conditions:

1. The common driveway accessing lots #1 and #2 shall be lowered to a grade height of 480', which is two feet lower than the current grade.

2. The proposed screening trees located between the two properties be supplemented with lower plantings that will remain intact all year long, such as holly bushes or equivalent plantings as recommended by the landscape architect;
3. The trees that are to be removed should be shown on the Existing Features Plan.
4. A note be added to the Landscape Plan that the trees that are smaller than six inches in diameter and not shown on the plan should remain on the property.

The Township Engineer, VanDemark & Lynch, Inc. has also reviewed the Landscape Plan in a letter dated May 6<sup>th</sup>.

Adam Brower, Engineer for the Applicant, presented the Landscape Plan to the Board.

Solicitor Camp stated that the subdivision plan for 1360 Old Wilmington Pike had been approved without the submission of a Landscape Plan. She noted that the Supervisors cannot waive the requirement for the Landscape Plan and it still needs to be reviewed and approved, if even after the fact of subdivision approval. Since the subdivision is within 500' of an historic resource (HR #29) a Historic Resource Impact Study had to be prepared which mitigated the impact of the subdivision on HR #29. Section 122-36.6.B of the Township Code requires a minimum building setback of 200' from HR #29 and the new house on lot #3 of the subdivision.

Adam Brower stated that the existing house on the property is about 85' from HR #29. The new house is proposed to be 120'. The Township Engineer has stated that the house cannot be located to meet the 200' setback. The barn on the property has been removed. A large tree on the front east corner of the property will remain with the new house to be located behind it. The proposed driveway has a flared area to allow vehicles to pass one another. The flared area has been flipped to the other side, away from HR #29, to accommodate landscaping. Both the HC and the Township Engineer have proposed screening material from the proposed 2 ft. high stone wall and extended to make a continuous buffer to screen headlight shine from the vehicles exiting the site from the common driveway from lots 1 and 2, which is agreeable to the applicant. The driveway grade will also be lowered in order to buffer headlight shine.

Solicitor Camp confirmed with Adam Brower that the applicant can comply with all the conditions from the HC and the Township Engineer.

Chairman Boorse asked for the location of the new house with the barn that was removed. Mr. Brower responded that the new house will be located behind the back of the barn.

The Landscape Plan proposes six trees to be planted along the southern property line. Mr. Hatfield has suggested additional landscaping. In response to Chairman Boorse, Mr. Brower stated that 9 – 10 trees will be planted along with 12 -15 lower level shrubs. Chairman Boorse stated that adequate precaution needs to be taken to protect the trees.

Pratap Kesarkar, 1370 Old Wilmington Pike, said that the existing trees are not represented correctly on the Landscape Plan and one tree was cut down today. On the corner of the property are 14" triples which is noted as a 36" diameter tree.

Mr. Brower said that for the driveway to be flipped one big tree had to be removed. The new trees to be installed will buffer headlights from the 2<sup>nd</sup> floor of Mr. Kesarkar's house and the buffer smaller trees will screen the 1<sup>st</sup> floor of the house.

Mr. Kesarkar said that the removal of the tree shook his entire house and he was concerned that the earth disturbance for the driveway construction will affect his entire house as it is close to grade past the entrance.

Mr. Kesarkar said that the Historic Resource Impact Study was also inaccurate and misleading. The materials shown in the report for the windows and siding are not correct.

Solicitor Camp said that the Historic Resource Impact Study is not approved.

Chairman Boorse added that HR #29 was identified in the Historic Resource Study, so the structure was accurately identified even if there were inadequacies in the materials.

Chairman Boorse moved to approve the Landscape Plan for 1360 Old Wilmington Pike, prepared by E.B. Walsh and Associates; dated 2/4/2019 with a plotted last revision date of 4/25/2019, subject to compliance with the recommendations of the HC and the Township Engineer's review letter of May 6<sup>th</sup> and to grant a modification of the minimum building setback to 120 feet between HR #29 located at 1370 Old Wilmington Pike and the new dwelling to be constructed on lot 3 of the approved subdivision plan for 1360 Old Wilmington Pike, in order to properly place the house on lot 3 further from the road to the back of the lot to provide adequate screening for HR #29. Mr. Hill seconded the motion which was carried.

A revised Landscape Plan will have to be submitted which satisfies the conditions of the HC and the Township Engineer.

### **POLICE REPORT**

Chief Nelling reported for the month of April. There were 1,035 incidents during the month, including 5 criminal arrests (3 DUI'S). There were 6,469 miles logged on the vehicles during April. Chairman Boorse acknowledged receipt of a letter commending the Birmingham Township Police Department and the actions of Officer John Freas who handled the deadly fire at 1312 Birmingham Road. Chairman Boorse stated that the benefit of a local police force is the quick response time, compared to a twenty minute response time if serviced by the State Police.

### **RIGHT-TO-KNOW RESOLUTION**

The Township is in receipt of correspondence dated April 24<sup>th</sup> from Councilman Matthew Dees of West Easton Borough. Councilman Dees is requesting that local governments adopt a resolution proposing an amendment to the Right to Know Law in order to provide relief from vexatious requesters and that the resolutions be sent to our State Representative.

Chairman Boorse said that the Township is not trying to deter requests for legitimate records. Townships are suffering from vexatious requesters who overburden the public employees with requests for unlimited paperwork. The legislation needs to be evaluated while preserving the policy.

Chairman Boorse moved to adopt Resolution No. 2019-0506 to amend the Right to Know Law and provide relief from vexatious requesters. Supervisor Hill seconded the motion and it was carried.

**TREASURER’S REPORT**

Sect./Treas. Nelling reported for the first quarter of 2019.

General Fund - \$844,891.  
 Sewer Fund - \$404,886.

<u>GENERAL FUND</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>%</u>
Revenues	\$2,272,505.	\$1,235,856.	
Carry Forward	\$867,708.	\$894,337.	103
Property Taxes (bills mailed 2.1.19)	\$755,000.	\$145,638.	18.9
Zoning Hearing Board Fees	\$6,000.	\$6,000.	100
Building Permits	\$50,000.	\$18,987.	38
Expenditures	\$1,637,361.	\$390,965.	23.8
Police Department	\$715,695.	\$164,086.	22.9
Snow Removal	\$130,000.	\$95,044.	73.1
<u>SEWER FUND</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>%</u>
Revenues	\$799,001.	\$520,051.	
Carry Forward	\$377,886.	\$402,162.	106.4
Expenditures	\$376,671.	\$115,164.	30.6
Engineering Services	\$20,000.	\$16,185.	80

**PUBLIC COMMENT**

Debbie Hineman, Meetinghouse Road, said that a concrete pad has been erected on the former Kerstetter property along Creek Road across from Meetinghouse Road. As this area is floodplain she didn’t know how a driveway/parking spot area could be constructed. She is waiting on a reply from an e-mail to the Zoning Officer on this question. She noticed on the front bulletin board that a permit was issued for this concrete pad.

Chairman Boorse said that the concrete pad was installed without a permit and the Zoning Officer was instructed to follow up with the property owner. Chairman Boorse did not know the specifics on how a permit was issued but the owner would have to meet the ordinance requirements to get a permit.

Solicitor Camp added that the Township ordinances are in compliance with FEMA regulations on floodplains.

Chairman Boorse will follow up with the Zoning Officer.

Nicholas Ranalli, Street Road, said that the speed limit posted in front of his house is 35 mph, which is the speed limit from the Pocopson Vet Station to his house then it increases to 45 mph in front of Century Farms development. He said that cars can't make the turn at the Creek Road/Rt. 926 intersection at the posted speed, especially trucks, and the excessive noise from the jake breaks on the diesel truck engines should be illegal as it is in surrounding townships. He suggested that an electronic speed sign be attached to the speed limit signs to deter speeding.

Chairman Boorse said that he has talked to Chief Nelling about increased patrols at this location.

Mr. Ranalli said that when a police car is parked at the intersection that it deters speeding.

Mr. Ranalli said that he has talked with PennDOT about the problem.

Chairman Boorse told Mr. Ranalli that his concerns have been heard and increased patrols may deter the speeding for a short period of time but it won't eliminate the problem. Chairman Boorse suggested that he reach out to State Representative Carolyn Commita to express his concerns on State road issues.

The meeting was adjourned at 9:06 PM. (SCB;JDH)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

08-Apr-19

<b>Check No</b>	<b>Check Date</b>	<b>Vendor No</b>	<b>Vendor Name</b>	<b>Check Amount</b>
<b>TRUMARK GENERAL FUND</b>				
19813	4/8/2019	80	AQUA PENNSYLVANIA	\$2,390.18
19814	4/8/2019	617	CHESTER WATER AUTHORITY	\$653.40
19815	4/8/2019	1002517	CHIEF SUPPY CORPORATION	\$138.49
19816	4/8/2019	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
19817	4/8/2019	882	DCED	\$255.00
19818	4/8/2019	46	GALLS, LLC	\$101.98
19819	4/8/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$121.97
19820	4/8/2019	205	PARKWAY DRY CLEANERS, INC.	\$159.17
19821	4/8/2019	29	PECO ENERGY	\$555.76
19822	4/8/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$12.88
19823	4/8/2019	811	S & S CLEANING SERVICE	\$388.00
19824	4/8/2019	61	VERIZON 753-804-167-0001-77	\$345.17
			<b>Bank Totals:</b>	<b>\$5,206.00</b>
			<b>Total Of Checks:</b>	<b>\$5,206.00</b>

# Check Register

BIRMINGHAM TOWNSHIP

08-Apr-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9803	4/8/2019	1002509	AQUA PA WW	\$1,225.62
9804	4/8/2019	80	AQUA PENNSYLVANIA	\$1,348.00
9805	4/8/2019	29	PECO ENERGY	\$2,757.76
9806	4/8/2019	164	PENNSYLVANIA ONE CALL SYST	\$50.32
			<b>Bank Totals:</b>	<b>\$5,381.70</b>
			<b>Total Of Checks:</b>	<b>\$5,381.70</b>

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

22-Apr-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19825	4/22/2019	1001926	AJ BLOSENSKI, INC.	\$161.00
19826	4/22/2019	1002416	BLUE360 MEDIA	\$92.82
19827	4/22/2019	46	GALLS, LLC	\$1,432.92
19828	4/22/2019	517	INDEPENDENCE BLUE CROSS	\$5,321.51
19829	4/22/2019	1002023	KEY BUSINESS SOLUTIONS	\$205.40
19830	4/22/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$50.59
19831	4/22/2019	829	U.S. FINANCIAL LIFE INSURANCE	\$1,312.90
19832	4/22/2019	1002154	VERIZON 250-441-074-0001-11	\$60.82
			<b>Bank Totals:</b>	<b>\$8,637.96</b>
			<b>Total Of Checks:</b>	<b>\$8,637.96</b>

# Check Register

BIRMINGHAM TOWNSHIP

22-Apr-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9807	4/22/2019	586	VERIZON 450-748-892-0001-25	\$59.36
9808	4/22/2019	1001834	WM P MCGOVERN INC	\$1,134.00
			<b>Bank Totals:</b>	<b>\$1,193.36</b>
			<b>Total Of Checks:</b>	<b>\$1,193.36</b>

# Check Register

BIRMINGHAM TOWNSHIP

06-May-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19833	5/6/2019	8	10-8 EMERGENCY VEHICLE SER	\$617.22
19834	5/6/2019	11	21ST CENTURY MEDIA - PHILLY	\$120.29
19835	5/6/2019	642	ALPHA SPACE CONTROL CO.,IN	\$395.00
19836	5/6/2019	80	AQUA PENNSYLVANIA	\$2,410.60
19837	5/6/2019	1002400	AXON ENTERPRISE, INC.	\$152.00
19838	5/6/2019	5	BOROUGH OF WEST CHESTER,	\$19,888.50
19839	5/6/2019	366	BUCKLEY,BRION,MCGUIRE ATTY	\$1,272.75
19840	5/6/2019	873	CARDMEMBER SERVICE	\$2,200.80
19841	5/6/2019	51	CHESTER COUNTY TREASURER	\$83.21
19842	5/6/2019	529	CHRISTY MOBILE	\$125.00
19843	5/6/2019	1002121	CLEVENS K-9 SCOOP LLC	\$105.00
19844	5/6/2019	628	COHEN TELECOMMUNICATIONS	\$1,283.33
19845	5/6/2019	1001902	COMCAST CABLE	\$106.85
19846	5/6/2019	4	CONCORDVILLE FIRE & PROTEC	\$37,278.00
19847	5/6/2019	775	CONVENIENT CAR CARE CORPO	\$868.95
19848	5/6/2019	882	DCED	\$229.50
19849	5/6/2019	2	FREEDOM SYSTEMS	\$1,375.25
19850	5/6/2019	46	GALLS, LLC	\$114.45
19851	5/6/2019	780	GUMBALL MEDIA,LLC\LAND ART	\$470.00
19852	5/6/2019	21	H. A. THOMSON	\$8,025.49
19853	5/6/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$213.95
19854	5/6/2019	1002525	LANCO SHEDS INC	\$5,398.00
19855	5/6/2019	3	PA TWP HEALTH INS COOP TRU	\$1,131.78
19856	5/6/2019	29	PECO ENERGY	\$356.10
19857	5/6/2019	171	REILLY & SONS INC.	\$2,011.24
19858	5/6/2019	507	ROTHWELL DOCUMENT SOLUTI	\$258.67
19859	5/6/2019	26	SIGNAL SERVICE INC.	\$790.00
19860	5/6/2019	1001924	ULINE	\$105.55
19861	5/6/2019	424	UNITED STATES POSTAL SERVI	\$500.00
<del>19862</del>	<del>5/6/2019</del>	<del>23</del>	<del>VANDEMARK &amp; LYNCH, INC.</del>	<del>\$15,119.45</del>
19863	5/6/2019	61	VERIZON 753-804-167-0001-77	\$353.82
19864	5/6/2019	1001913	VERIZON WIRELESS 722423083	\$189.13
19865	5/6/2019	832	WEST CHESTER PUBLIC LIBRAR	\$1,500.00
<b>Bank Totals:</b>				<b>\$105,049.88</b>
<b>Total Of Checks:</b>				<b>\$105,049.88</b>

VOIDED

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

06-May-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9809	5/6/2019	1002509	AQUA PA WW	\$1,282.36
9810	5/6/2019	80	AQUA PENNSYLVANIA	\$1,097.28
9811	5/6/2019	366	BUCKLEY,BRION,MCGUIRE ATTY	\$20.00
9812	5/6/2019	1001859	COYNE CHEMICAL	\$3,234.50
9813	5/6/2019	2	FREEDOM SYSTEMS	\$804.50
9814	5/6/2019	780	GUMBALL MEDIA,LLC\LAND ART	\$725.00
9815	5/6/2019	1002424	M & S SERVICE COMPANY INC	\$420.00
9816	5/6/2019	29	PECO ENERGY	\$2,622.82
9817	5/6/2019	1002493	VERIZON 350-442-985-0001-57	\$39.57
9818	5/6/2019	574	WASTE MANAGEMENT OF SOUT	\$78.11
9819	5/6/2019	1001834	WM P MCGOVERN INC	\$2,334.00
			<b>Bank Totals:</b>	<b>\$12,658.14</b>
			<b>Total Of Checks:</b>	<b>\$12,658.14</b>