

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
AUGUST 5, 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 July 8, 2019 minutes as written, with a follow-up comment on the sewer pipe repairs. The motion for the emergency repair work read that Vice-Chairman Shiring would confirm with the Township Solicitor on whether the lining is part of the emergency repair work or whether it needed to go through the bidding process. Vice-Chairman Shiring said he did confirm with the Township Solicitor that the lining is part of the emergency repair work. Supervisor Hill seconded the motion which was unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment since the July 8th meeting. General Fund bills totaled \$20,766.58. Sewer Fund bills totaled \$22,270.66. Supervisor Hill seconded the motion and the bills were unanimously approved.

WEST CHESTER PUBLIC LIBRARY

Victoria Dow, Executive Director, and Fredda Maddox, Board Member and Township resident, were present to thank the Board for its past contribution of \$1,500.00 and to ask the Board to consider a contribution of \$1.00/resident which would be \$4,208.00 per the 2010 census. The Library is located in the Borough and it serves the residents of the Borough and six townships, all of which allocate funding to the Library. The Library is not just books, but offers a wide variety of programs across all age groups. Children's programs have been offered for years and have been very popular. Many of the popular programs are the teen/tween program with coding; the escape room; cocktail hours; and autograph signing with authors. The demand for e-books is increasing every year. Ms. Maddox encouraged the use of the Library by the residents.

**ZONING HEARING BOARD APPLICATIONS FOR AUGUST 21, 2019 HEARING
MORK/756 BRINTON'S BRIDGE ROAD/SHED**

The Zoning Hearing Board will be considering an application from Jarl Mork, 756 Brinton's Bridge Road, for a variance from Section 122-24(G), which prohibits an accessory structure in the front yard. The front yard setback for his property in the R-1 Zoning District, is 100 feet, per Section 122-14(D) of the Code. Mr. Mork wants to install a pre-manufactured shed with a 74 foot front yard setback on the northeast corner of his property.

Mr. Mork explained that he has a beekeeping business. Additional under-cover storage space is needed to store beekeeping boxes and other equipment for his business. The northeast corner of the property is the only suitable location for the shed due to the steep slope along the north side of the property and a pond located on the south side of the property. Mr. Mork said that the shed

would not be visible from adjoining properties as it would be surrounded by heavy woods and wetlands.

Chairman Boorse moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board. Vice-Chairman Shiring seconded the motion which was unanimously approved.

OTTO'S BMW/1275 WILMINGTON PIKE/SIGNAGE

The Zoning Hearing Board will be considering an application from Otto's Imported Cars, Ltd. for the following relief: 1) A dimensional variance from Section 122-90.B(2)(a) of the Zoning Chapter of the Township Code to permit more than one wall-mounted business sign on a single building side with street frontage in order to add a wall-mounted business sign reading "Otto's Mini" on the front side of the building facing Wilmington Pike, which side already contains a wall-mounted business sign reading "Otto's BMW"; 2) A variance from the number of permitted wall signs in Section 122-90.B(2)(a) in order to permit a sign reading "MINI" on the right side of the building; and (3) an appeal from the Zoning Officer's determination that the proposed "MINI" sign on the right side of the building does not front on Penn Oaks Drive.

Michael Vadasz, owner, said that the BMW "Mini" was coming back to the West Chester location. When sale of the "Mini" had been moved to Exton, the sign on the front of the building stating "Otto's Mini" had been removed. Since it has been gone for more than a year, the ability to replace the sign is not grandfathered, so a variance is needed to permit it be replaced as there is already an "Otto's BMW" sign on the front of the building.

Mr. Vadasz said that regarding existing signage:

1. The service sign is being redesigned to add "Mini" but there will be no change in square footage so it is not part of the variance application.
2. The Otto's BMW sign on the front of the building will have the "Mini" flag added to the pylon.
3. Imported Cars Limited will be removed from the front building sign and it will just say "Otto's BMW".

Mr. Vadasz stated that Corporate wants the new "MINI" sign installed. Personally, he is not thrilled with adding another big sign to the building.

Vice-Chairman Shiring confirmed with Mr. Vadasz that no variance was needed for the "Mini" flag being added to the pylon. Mr. Vadasz said that Rich Jensen, Zoning Officer, had reviewed all the signage proposed and existing for the variance application.

Matthew McKeon, legal counsel, added that the additional signage request will still result in the square footage of the signs being less than the maximum allowed.

Chairman Boorse said that when Otto's was renovated that Mr. Vadasz was to present all the signage for the buildings during that land development process. Signage has always been an issue for the Township. Chairman Boorse agreed with the Zoning Officer's determination that

the proposed “MINI” sign on the right side of the building does not face Penn Oaks Drive and can be clearly seen from Rt. 202.

Vice-Chairman Shiring moved:

- 1) to take no position on the dimensional variance request for the “Otto’s Mini” wall-mounted sign since it was removed and is just being replaced;
- 2) to oppose the variance request to permit a sign reading “MINI” on the right side of the building as it was not contemplated when the dealership was renovated and approved;
- 3) to support the Zoning Officer’s determination that the proposed “MINI” sign faces Rt. 202.

Chairman Boorse seconded the motion which was unanimously approved.

POLICE PERSONNEL

On the recommendation of Chief Nelling, the Supervisors interviewed William Reppert, prior to tonight’s meeting, for the position of part-time Police Officer. Mr. Reppert graduated from the Reading Police Academy. Chairman Boorse moved to hire William Reppert at the training rate of \$20.00/hr. Supervisor Hill seconded the motion which was unanimously approved.

Chief Nelling said that part-time officer Matt Muscari has submitted his letter of resignation effective August 18th.

AUTHORIZE ADVERTISING FOR SNOW REMOVAL BIDS FOR 2019/2020 SEASON

Vice-Chairman Shiring moved to authorize advertising for bids to be received at the September 9th meeting for snow removal services for the 2019/2020 season. Chairman Boorse seconded the motion which was unanimously approved.

PUBLIC COMMENT

Joseph Kisleiko, Pheasant Run, said that the neighbors had filed a complaint with the Township about a scrap metal business being run out of a house on Pheasant Run. The property owner was sent a violation notice by the Township and apparently the business has been discontinued. However, there are still two commercial trucks parked there that are in violation of the Restrictive Covenants of the development (which is an HOA issue).

Chief Nelling said that the trucks are parked legally and inspected.

Vice-Chairman Shiring explained the procedure for handling a zoning violation as requested by Irene Kisleiko.

The Kisleikos were told to contact the Township Zoning Officer if the scrap metal business was still operating.

Pratap Kesarkar, 1370 Old Wilmington Pike, provided action dates for the minutes on his civil action appeal against the Township.

- July 9, 2019 an e-mail was sent to the Board of Supervisors requesting additional information from the Township
- July 29, 2019 the Township’s Insurance Carrier responded with additional information

- August 5, 2019 a motion to compel completion of the record was filed in the Court of Common Pleas

Mr. Kesarkar asked how much the civil action suit was costing the taxpayers? Sect./Treas. Nelling responded that the insurance covers up to \$100,000.00 for the suit but the Township is responsible for 25% of the expenses. Over \$100,000.00 the Township pays the full amount.

The meeting was adjourned at 8:19 PM. (MTS;SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

15-Jul-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
19962	7/15/2019	70	CONCORD AUTO BODY, INC.	\$484.95
19963	7/15/2019	775	CONVENIENT CAR CARE CORPO	\$569.25
19964	7/15/2019	560	DRUGSCAN, INC.	\$336.00
19965	7/15/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$105.98
19966	7/15/2019	517	INDEPENDENCE BLUE CROSS	\$5,321.51
19967	7/15/2019	1002052	JENNIFER A BOORSE	\$500.00
19968	7/15/2019	29	PECO ENERGY	\$28.66
19969	7/15/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$21.96
19970	7/15/2019	115	THOMAS R. NELLING	\$157.40
19971	7/15/2019	1002154	VERIZON 250-441-074-0001-11	\$59.96
Bank Totals:				\$7,585.67
Total Of Checks:				\$7,585.67

Check Register

BIRMINGHAM TOWNSHIP

15-Jul-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9858	7/15/2019	586	VERIZON 450-748-892-0001-25	\$66.55
9859	7/15/2019	1001834	WM P MCGOVERN INC	\$837.00
Bank Totals:				\$903.55
Total Of Checks:				\$903.55

Check Register

BIRMINGHAM TOWNSHIP

25-Jul-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
19972	7/25/2019	1001913	VERIZON WIRELESS 722423083	\$190.60
Bank Totals:				\$190.60
Total Of Checks:				\$190.60

Check Register

BIRMINGHAM TOWNSHIP

25-Jul-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9860	7/25/2019	1001695	W G MALDEN INC	\$654.32
Bank Totals:				\$654.32
Total Of Checks:				\$654.32

Check Register**BIRMINGHAM TOWNSHIP**

01-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
19973	8/5/2019	1001987	ANNE SIEMER	\$10.14
19974	8/5/2019	80	AQUA PENNSYLVANIA	\$199.73
19975	8/5/2019	873	CARDMEMBER SERVICE	\$552.34
19976	8/5/2019	617	CHESTER WATER AUTHORITY	\$217.80
19977	8/5/2019	1001902	COMCAST CABLE	\$106.85
19978	8/5/2019	46	GALLS, LLC	\$287.76
19979	8/5/2019	933	GARNET AUTOMOTIVE GROUP	\$151.90
19980	8/5/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$52.99
19981	8/5/2019	1001755	MAJIC LANDSCAPES	\$2,126.00
19982	8/5/2019	1001991	PANNIER	\$424.54
19983	8/5/2019	171	REILLY & SONS INC.	\$1,298.63
19984	8/5/2019	507	ROTHWELL DOCUMENT SOLUTI	\$224.83
19985	8/5/2019	23	VANDEMARK & LYNCH, INC.	\$3,107.81
19986	8/5/2019	61	VERIZON 753-804-167-0001-77	\$364.02
Bank Totals:				\$9,125.34
Total Of Checks:				\$9,125.34

Check Register

BIRMINGHAM TOWNSHIP

01-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9861	8/5/2019	1002509	AQUA PA WW	\$1,293.71
9862	8/5/2019	80	AQUA PENNSYLVANIA	\$1,566.98
9863	8/5/2019	1001859	COYNE CHEMICAL	\$1,450.25
9864	8/5/2019	1001755	MAJIC LANDSCAPES	\$585.00
9865	8/5/2019	1002493	VERIZON 350-442-985-0001-57	\$41.45
9866	8/5/2019	1002401	WALTON WATER SERVICES	\$5,483.96
9867	8/5/2019	574	WASTE MANAGEMENT OF SOUT	\$77.79
9868	8/5/2019	1001834	WM P MCGOVERN INC	\$2,822.50
9869	8/5/2019	734	XYLEM WATER SOLUTIONS	\$2,400.00
Bank Totals:				\$15,721.64
Total Of Checks:				\$15,721.64

Check Register**BIRMINGHAM TOWNSHIP**

05-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
19987	8/5/2019	1002121	CLEVENS K-9 SCOOP LLC	\$190.00
19988	8/5/2019	1002526	MCDONALD UNIFORM CO., INC	\$865.31
19989	8/5/2019	29	PECO ENERGY	\$304.31
19990	8/5/2019	171	REILLY & SONS INC.	\$617.35
19991	8/5/2019	811	S & S CLEANING SERVICE	\$388.00
19992	8/5/2019	1002214	WE R TECHNOLOGY	\$1,500.00
Bank Totals:				\$3,864.97
Total Of Checks:				\$3,864.97

Check Register

BIRMINGHAM TOWNSHIP

05-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9870	8/5/2019	780	GUMBALL MEDIA,LLC\LAND ART	\$2,250.00
9871	8/5/2019	29	PECO ENERGY	\$2,741.05
Bank Totals:				\$4,991.05
Total Of Checks:				\$4,991.05