

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
SEPTEMBER 9, 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 August 5, 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 since the August 5<sup>th</sup> meeting. General Fund bills totaled \$54,787.36. Sewer Fund bills totaled \$41,724.16. Chairman Boorse seconded the motion and the bills were unanimously approved.

**POLICE REPORT**

Chairman Boorse administered the oath of office to part-time Police Officer William Reppert. Mr. Reppert's father held the bible for the swearing in ceremony.

At the recommendation of Chief Nelling, Chairman Boorse moved to increase the salary of part-time Police Officer William Behrndt from \$22.00/hr. to \$23.63/hr. in accordance with the guidelines for completion of duties. Supervisor Hill seconded the motion which was unanimously approved.

Chief Nelling reported for the month of August. There were 1,187 incidents for the month, including eleven criminal arrests. The police department logged 8,081 patrol miles on the vehicles during the month.

Chief Nelling said that there had been public comment at recent township meetings regarding speeding eastbound on Rt. 926 at Creek Road. He reported that during a three week period the police clocked the speed of 13,000 cars at that location and only seven were determined to be speeding. Chief Nelling noted that during the Rt. 926 bridge construction that the speed limit was reduced to 35 mph on a small portion of Rt. 926 at the Creek Road intersection. Most of Rt. 926 is posted at 40 mph.

**HARB REPORT**

**HAYIV/MCKEE JR./1010 REVOLUTIONARY DRIVE/GARAGE DOORS**

At its meeting on August 20<sup>th</sup>, HARB recommended that a Certificate of Appropriateness be issued to James Hay IV and Frank McKee, Jr. for new garage doors on their house at 1010 Revolutionary Drive. The doors are manufactured by Entre/Matic Amarr Doors, Style Classica CL2000, with a steel exterior and vinyl-coated polystyrene insulation. Each door measures 8'

wide x 7'high and they will be situated side by side. The new doors will be true white with Valencia Panel design and Thames window inserts.

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

#### **JANOFSKY/985 THORNBURY ROAD/ZONING HEARING BOARD**

On September 18<sup>th</sup>, the Zoning Hearing Board will be considering an application from Jeff Janofsky, 985 Thornbury Road, for a variance from Section 122-24© of the Township Code which requires that not more than 10% of the net lot area of each lot be occupied by buildings or other impervious cover and a variance from Section 122-24(I) of the Code which requires that not less than 90% of the net lot area be maintained as green space. Mr. Janofsky also seeks an extension of a nonconforming use in order to construct an entrance for the front of his home off of Birmingham Road. The current entrance off of Thornbury Road accesses the garage and the back of the house. The proposed improvements will increase the existing lot coverage non-conformity from 12.9% to 13.3%. Conversely, the existing minimum allowable green space non-conformity will change from 87.1% to 86.7%.

Mr. Janofsky stated that he has already received a permit from PennDOT for the road access. The gravel driveway will be pervious in nature with only a ten foot impervious driveway apron at the access onto Birmingham Road which was required by PennDOT.

Mr. Janofsky said that the Matsons, his neighbor to the north at 1273 Birmingham Road, had no objection to his driveway proposal and have sent a letter to the Township stating so. Across the street from Mr. Janofsky is Birmingham Hill.

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

#### **OFFICE OF CONGRESSWOMAN CHRISSY HOULAHAN (PA-06)**

Staffer Scott Nelson from Congresswoman Chrissy Houlahan's Office was present to remind them that Congresswoman Houlahan is a resource for the Township in Washington D.C. and in the 6<sup>th</sup> District which now includes all of Chester County and Southern Berks County, which is basically 90% of Reading and up to Wyomissing. Congressman Houlahan is a member of the subcommittees for the Armed Forces; Foreign Relations; and Small Businesses. She has introduced ten bills; held nine town hall meetings; and closed 500 cases. She is a resource for grant support requests and has returned \$850,000.00 to constituents.

#### **BRANDYWINE CONSERVANCY TRAIL EASEMENT AMENDMENT FOR MEETINGHOUSE ROAD**

In 2008, the Brandywine Conservancy entered into a trail easement agreement with the Township for the Birmingham Hill trail which runs along Meetinghouse Road. The Brandywine Conservancy has acquired the 13-acre Roberta O'Dell Estate property so the Birmingham Hill

trail now traverses the entire southern portion of Meetinghouse Road instead of having to cross the road in that location.

David Shields, Associate Director with the Brandywine Conservancy, has contacted Solicitor Camp requesting that the trail easement agreement and map be amended to reflect the inclusion of the trail access on the 13 acre property. The Board was in agreement with the proposed amendment. Solicitor Camp will contact David Shields.

### **BOORSE SUBDIVISION PLAN/675 BRINTON'S BRIDGE ROAD**

At its meeting on August 13<sup>th</sup>, the Planning Commission recommended approval of the Final Minor two lot Boorse Subdivision Plan for 675 Brinton's Bridge Road, prepared by D. L. Howell Engineering, dated June 27, 2019, last revised July 18, 2019. The Plan was approved with the following conditions:

1. The common access driveway easement document is submitted and approved.
2. The landscape plan be reviewed and approved by the Historical Commission and presented to the Planning Commission in September.
3. Input from the Township Solicitor, Kristin Camp, on the non-building waiver request in lieu of on-site septic feasibility.
4. Determination by the Board of Supervisors if a Historical Resources Impact Study is required in addition to the landscape plan.

At its meeting on August 27<sup>th</sup>, the Historical Commission reviewed the landscape plan as it relates to HR #43, which is 342 feet from the property line, and HR #42 which is more than 500 feet from the property line, and determined that there was no negative impact to these historic resources as long as the landscape plan was implemented during construction on the lots.

The Township is in receipt of a review letter from the Chester County Planning Commission dated July 30, 2019.

Chairman Scott Boorse recused himself from the discussion.

The six waiver requests were discussed. Solicitor Camp said that the first waiver request from Section 103-21.B for a preliminary plan submission was not required since it was a minor subdivision and could therefore go right to final plan submission. The Supervisors had no issues with the other five waiver requests.

Solicitor Camp stated that a common access driveway easement document will need to be recorded with the subdivision plan and there should be a full understanding of the driveway maintenance responsibilities for each lot. The driveway currently serves the Boorse property at 679 Brinton's Bridge Road and is also maintained by them. Mrs. Boorse said that there will be a pull off space for each lot to accommodate vehicles coming each direction.

There was much discussion on the merits for the waiver request for the HRIS study. Scott and Jen Boorse submitted a letter dated September 9, 2019 explaining their reasoning for a request from the HRIS waiver requirement. The only impacted property is 706 Brinton's Bridge Road (HR #43) which is on the south side of Brinton's Bridge Road; two houses below the proposed

subdivision. Mrs. Boorse said that the subdivision lot cannot be seen from HR #43. All buildings on the lots will be removed and the location of the houses on the lots has not been determined. It was decided that there would be no additional information gained from the HRIS study than was already submitted with the landscape plan.

Regarding the non-building waiver note request, Solicitor Camp said that the lots need to be perced and approved before the Plan can be recorded. Because new lots are being created, approval is needed from DEP.

Pratap Kesarkar, 1370 Old Wilmington Pike, said that the applicant keeps saying that the landscape plan is coming back to the Planning Commission as a courtesy but that the Planning Commission Solicitor, Frone Crawford, said that it is an ordinance requirement. He also did not understand why the HRIS study would be waved which he thought would set a precedent.

Solicitor Camp responded that waivers aren't precedent setting, but application specific. Doing an HRIS study is a costly endeavor and the applicant has justified in writing the reasons for the waiver request.

Vice-Chairman Shiring added that the discussion is for the preservation of the view shed. Mr. Kesarkar asked how there would be assurance that the wooded trees would be preserved without an HRIS study. Vice-Chairman Shiring reminded Mr. Kesarkar about the landscape plan which will be recorded with the subdivision plan.

Vice-Chairman Shiring moved to approve the Final Minor two lot Boorse Subdivision Plan for 675 Brinton's Bridge Road, prepared by D. L. Howell Engineering, dated June 27, 2019, last revised July 18, 2019 subject to the following conditions:

1. Compliance with the August 5, 2019 review letter from VanDemark & Lynch, Inc.
2. Submission and approval of a common driveway easement by the Township Solicitor and the driveway easement shall clearly specify the maintenance obligations of each lot owner. The driveway easement is to be recorded with the Subdivision Plan.
3. The non-building waiver note shall be removed from the Plan. DEP must approve an exemption or waiver of the planning module requirement or planning modules need to be submitted to DEP for approval prior to the Plan being recorded.
4. Approval from the CCHD for the on-lot septic systems for each of the new building lots.
5. Submission of the Landscape Plan for recording with the Subdivision Plan. Comments made by the Planning Commission at its September 10<sup>th</sup> meeting should be incorporated into the Plan.
6. A note shall be added to the Plan that all lots are subject to the requirements of the Landscape Plan and the note and Landscape Plan is a restrictive covenant that runs with the lots.
7. Waivers from the following provisions of the SLDO are approved:
  - Section 103-21.C to waive the need to file supplementary data with the Plans;
  - Section 103-22 to waive the need for a conservation plan;
  - Section 103-25.C to allow three contiguous interior lots;
  - Section 103-28.B(1)(j) to waive the requirements of having a 16-foot passing area for the driveway;

- Section 103-26.B to waive the need for a site analysis and plan depicting community facilities
8. Waiver from Section 122-36.8.A to not require the submission of a Historic Resource Impact Statement per the reasons stated in the September 9, 2019 letter from the applicant.

Supervisor Hill seconded the motion which was approved with two in favor and one abstention by Chairman Boorse.

### **ORDINANCE PROPOSALS**

At its meeting on August 13<sup>th</sup>, the Planning Commission recommended that the Board of Supervisors consider revisions to the Wireless Communication Facilities Ordinance per mandates from the FCC.

Vice-Chairman Shiring moved to electronically send the zoning ordinance amendment to the CCPC for review and comments. The CCPC has a 30 day window for comments. A hearing will be scheduled after receipt of the CCPC review letter. Supervisor Hill seconded the motion which was unanimously approved.

Solicitor Camp has also been working on an amendment to the Township's Stormwater Management Ordinance, Chapter 101, to define a "high tunnel" and to exempt certain high tunnel facilities from the ordinance requirements. This ordinance amendment is in response to PA Act 15 of 2018 which amended Act 167 (the "County-Wide Stormwater Management Plan") to provide exemption for high tunnels used in agricultural applications.

Chairman Boorse moved to authorize advertising on an ordinance hearing as part of the regular Township meeting on October 7<sup>th</sup> @ 7:30 PM to consider an amendment to Chapter 101 for high tunnels. Vice-Chairman Shiring seconded the motion which was unanimously approved.

Solicitor Camp has also been working on a zoning ordinance amendment to the regulations for solar panels on a roof and to setbacks for accessory buildings which makes it clear that the minimum setback is measured from the side or rear property line, or the edge of the street. She will forward the ordinance proposal to the PC for its consideration.

### **BIDS FOR SNOW REMOVAL FOR 2019/2020 SEASON**

Request for bids for snow removal services was duly advertised in the Daily Local News on August 15<sup>th</sup> and 22<sup>nd</sup>. One bid was received from Page Excavating Company of Lincoln University. Page Excavating has been plowing the Township roads for 30 years. Chairman Boorse stated that it has been a good working experience with Page Excavating over the years and they are always responsive when called out and the Township roads are often plowed before the State roads. Chairman Boorse reviewed the rates in the bid proposal with last year's rates. Not all, but various rates have been increased by \$5.00/hr., including labor and the 4x4 pick up with plow and dump truck with plow, which are used most frequently. Sect./Treas. Nelling noted that Page does not raise the rates in the bid proposals every year. They will often go several years without raising the rates. Chairman Boorse moved to accept the proposal for snow

removal services for the 2019/2020 season submitted by Page Excavating Company. Vice-Chairman Shiring seconded the motion which was unanimously approved.

### **2019 DELCO GREEN WAYS GRANT PROGRAM LETTER FOR 6 OAKLAND ROAD**

Chadds Ford Township sent the Township a request for a letter of support for a grant application to the Delaware County Green Ways Program for the purchase and conservation of a 78.98 acre property at 6 Oakland Road, which is less than 1,000 feet from the Village of Dilworthtown and the site for some of the last skirmishes of the Battle of Brandywine. The intent is for the property to be used for a passive park system and a community-based activities center.

Chairman Boorse moved to authorize sending a letter of support for the grant application for 6 Oakland Road to the Delaware County Planning Department. Vice-Chairman Shiring seconded the motion which was unanimously approved.

### **MMO'S FOR PENSION PLANS**

Act 205 of 1984, as amended, governs the funding requirements for all municipal pension plans. The law requires the Chief Administrative Officer of each municipal pension plan to inform the governing body of the municipality of the expected financial obligations of the plans for the coming year. This must be done by the last business day in September.

The calculation of the 2020 plan costs, or the MMO, required an estimate of 2019 W-2 wages of the employees covered by the plan.

The minimum municipal obligation for the police pension plan is \$4,741.

The minimum municipal obligation for the non-uniform plan is \$0. as the actuarial present value of future benefits (A1) is less than the actuarial value of assets (B-1), so the plan's MMO is automatically set at \$0.

The pension plan costs will be offset by State Aid to municipal pensions to which the Township is entitled under Act 205.

### **PUBLIC COMMENT**

There was no public comment.

The meeting was adjourned at 9:16 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

## Check Register

## BIRMINGHAM TOWNSHIP

09-Sep-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
20028	9/9/2019	11	21ST CENTURY MEDIA - PHILLY	\$371.52
20029	9/9/2019	80	AQUA PENNSYLVANIA	\$2,514.61
20030	9/9/2019	849	BATTAVIO/B&F SERVICE CO.	\$85.00
20031	9/9/2019	366	BUCKLEY, BRION, MCGUIRE ATTY	\$1,434.50
20032	9/9/2019	873	CARDMEMBER SERVICE	\$394.27
20033	9/9/2019	1002390	CJS TIRE & AUTOMOTIVE	\$1,038.00
20034	9/9/2019	1002121	CLEVENS K-9 SCOOP LLC	\$152.00
20035	9/9/2019	1001902	COMCAST CABLE	\$106.85
20036	9/9/2019	775	CONVENIENT CAR CARE CORPO	\$569.25
20037	9/9/2019	560	DRUGSCAN, INC.	\$504.00
20038	9/9/2019	232	ELYSE/BERBEN INSIGNIA	\$59.00
20039	9/9/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$187.98
20040	9/9/2019	711	JUDY JENSEN	\$1,095.00
20041	9/9/2019	1002423	L-TRON CORPORATION	\$311.02
20042	9/9/2019	1001755	MAJIC LANDSCAPES	\$2,419.00
20043	9/9/2019	1002053	MICHAEL J HOCHHAUS	\$250.00
20044	9/9/2019	3	PA TWP HEALTH INS COOP TRU	\$93.75
20045	9/9/2019	178	PAGE EXCAVATING COMPANY, I	\$3,920.00
20046	9/9/2019	205	PARKWAY DRY CLEANERS, INC.	\$250.32
20047	9/9/2019	29	PECO ENERGY	\$284.86
20048	9/9/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$12.85
20049	9/9/2019	171	REILLY & SONS INC.	\$1,432.06
20050	9/9/2019	1002104	ROBERT E LITTLE, INC.	\$351.96
20051	9/9/2019	811	S & S CLEANING SERVICE	\$388.00
20052	9/9/2019	1001833	STAPLES BUSINESS ADVANTAG	\$1,431.41
20053	9/9/2019	1002138	THE PENNSYLVANIA STATE UNI	\$450.00
20054	9/9/2019	426	THE WATER GUY	\$10.02
20055	9/9/2019	61	VERIZON 753-804-167-0001-77	\$589.66
<b>Bank Totals:</b>				<b>\$20,706.89</b>
<b>Total Of Checks:</b>				<b>\$20,706.89</b>

## Check Register

BIRMINGHAM TOWNSHIP

09-Sep-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9884	9/9/2019	149	AECOM	\$4,023.10
9885	9/9/2019	1002509	AQUA PA WW	\$1,225.62
9886	9/9/2019	80	AQUA PENNSYLVANIA	\$1,588.41
9887	9/9/2019	849	BATTAVIO/B&F SERVICE CO.	\$1,405.00
9888	9/9/2019	366	BUCKLEY, BRION, MCGUIRE ATTY	\$467.96
9889	9/9/2019	661	COMMONWEALTH OF PENNSYL	\$500.00
9890	9/9/2019	1001859	COYNE CHEMICAL	\$2,258.00
9891	9/9/2019	780	GUMBALL MEDIA, LLC LAND ART	\$3,873.32
9892	9/9/2019	1001755	MAJIC LANDSCAPES	\$468.00
9893	9/9/2019	1001890	MCGOVERN ENVIRONMENTAL L	\$3,581.25
9894	9/9/2019	798	PA ONE CALL SYSTEM, INC.	\$34.00
9895	9/9/2019	29	PECO ENERGY	\$2,548.14
9896	9/9/2019	1002401	WALTON WATER SERVICES	\$7,084.44
9897	9/9/2019	821	WILLIAM J KIRKPATRICK	\$250.00
9898	9/9/2019	1001834	WM P MCGOVERN INC	\$1,899.00
<b>Bank Totals:</b>				<b>\$31,206.24</b>
<b>Total Of Checks:</b>				<b>\$31,206.24</b>



## Check Register

BIRMINGHAM TOWNSHIP

26-Aug-19

	Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND					
	20008	8/26/2019	1001926	AJ BLOENSKI, INC.	\$322.00
	20009	8/26/2019	557	ALL SEASONS LANDSCAPING C	\$892.31
VOIDED	<del>20010</del>	<del>8/26/2019</del>	<del>80</del>	<del>AQUA PENNSYLVANIA</del>	<del>\$54.47</del>
	20011	8/26/2019	9	BRUCE E MAPES, PHD	\$200.00
	20012	8/26/2019	529	CHRISTY MOBILE	\$100.00
	20013	8/26/2019	2	FREEDOM SYSTEMS	\$1,595.00
	20014	8/26/2019	46	GALLS, LLC	\$442.77
	20015	8/26/2019	702	GEORGE SPYROPOULOS, D.O.	\$150.00
	20016	8/26/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$130.99
	20017	8/26/2019	517	INDEPENDENCE BLUE CROSS	\$5,321.51
	20018	8/26/2019	1002526	MCDONALD UNIFORM CO., INC	\$333.88
	20019	8/26/2019	178	PAGE EXCAVATING COMPANY, I	\$6,790.00
	20020	8/26/2019	171	REILLY & SONS INC.	\$619.38
	20021	8/26/2019	75	RJCRAIG GRAPHICS & DESIGN	\$146.55
	20022	8/26/2019	26	SIGNAL SERVICE INC.	\$1,375.00
	20023	8/26/2019	1001833	STAPLES BUSINESS ADVANTAG	\$173.66
	20024	8/26/2019	23	VANDEMARK & LYNCH, INC.	\$4,263.96
	20025	8/26/2019	1002154	VERIZON 250-441-074-0001-11	\$57.43
	Bank Totals:				\$22,968.91
	Total Of Checks:				\$22,968.91
					- 54.47
					<u>22,914.44</u>

# Check Register

BIRMINGHAM TOWNSHIP

26-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9879	8/26/2019	1001695	W G MALDEN INC	\$99.10
9880	8/26/2019	574	WASTE MANAGEMENT OF SOUT	\$77.60
9881	8/26/2019	1001834	WM P MCGOVERN INC	\$414.00
<b>Bank Totals:</b>				<b>\$590.70</b>
<b>Total Of Checks:</b>				<b>\$590.70</b>

# Check Register

BIRMINGHAM TOWNSHIP

26-Aug-19

	Check No	Check Date	Vendor No	Vendor Name	Check Amount
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## TRUMARK SEWER FUND

9882	8/26/2019	1002509	AQUA PA WW	\$54.47
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Bank Totals:	\$54.47
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Total Of Checks:	\$54.47
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# Check Register

BIRMINGHAM TOWNSHIP

26-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
20026	8/26/2019	1002011	FRANCOTYP-POSTALIA INC	\$237.00
20027	8/26/2019	1001913	VERIZON WIRELESS 722423083	\$190.60
<b>Bank Totals:</b>				<b>\$427.60</b>
<b>TRUMARK SEWER FUND</b>				
9883	8/26/2019	1002493	VERIZON 350-442-985-0001-57	\$39.71
<b>Bank Totals:</b>				<b>\$39.71</b>
<b>Total Of Checks:</b>				<b>\$467.31</b>

# Check Register

BIRMINGHAM TOWNSHIP

12-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK SEWER FUND</b>				
9872	8/12/2019	149	AECOM	\$2,067.81
9873	8/12/2019	366	BUCKLEY,BRION,MCGUIRE ATTY	\$757.60
9874	8/12/2019	1002424	M & S SERVICE COMPANY INC	\$6,302.00
9875	8/12/2019	1002392	TRI-COUNTY PEST CONTROL IN	\$60.00
9876	8/12/2019	586	VERIZON 450-748-892-0001-25	\$68.13
9877	8/12/2019	1001695	W G MALDEN INC	\$154.50
9878	8/12/2019	1001834	WM P MCGOVERN INC	\$423.00
<b>Bank Totals:</b>				<b>\$9,833.04</b>
<b>Total Of Checks:</b>				<b>\$9,833.04</b>

# Check Register

BIRMINGHAM TOWNSHIP

12-Aug-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>TRUMARK GENERAL FUND</b>				
19999	8/12/2019	80	AQUA PENNSYLVANIA	\$2,404.98
20000	8/12/2019	366	BUCKLEY,BRION,MCGUIRE ATTY	\$2,406.00
20001	8/12/2019	775	CONVENIENT CAR CARE CORPO	\$599.40
20002	8/12/2019	560	DRUGSCAN, INC.	\$168.00
20003	8/12/2019	114	FRONEFIELD CRAWFORD. JR. LL	\$760.00
20004	8/12/2019	780	GUMBALL MEDIA,LLC\LAND ART	\$4,090.00
20005	8/12/2019	205	PARKWAY DRY CLEANERS, INC.	\$146.58
20006	8/12/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$63.47
20007	8/12/2019	1002392	TRI-COUNTY PEST CONTROL IN	\$100.00
<b>Bank Totals:</b>				<b>\$10,738.43</b>
<b>Total Of Checks:</b>				<b>\$10,738.43</b>