

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
DECEMBER 2, 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 noted that in the November 4th minutes, under the preliminary budget for 2020, that the carry forward figures for both the General fund and Sewer fund had been inadvertently typed in as the same figure. The carry forward figure for the General Fund is correct at \$812,083. but the carry forward figure for the Sewer Fund should be \$201,079. Vice-Chairman Shiring moved to approve the November 4th minutes as corrected. Supervisor Hill seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment since the November 4th meeting. General Fund bills totaled \$51,332.73. Sewer Fund bills totaled \$32,920.54. Supervisor Hill seconded the motion and the bills were unanimously approved.

MILLER/1060 WEST STREET ROAD/SPRING HOUSE

At its meeting on November 26th, the Historical Commission recommended approval for repairs to the spring house for William Miller at 1060 West Street Road (HR #74).

Mr. Miller stated that the spring house had been previously renovated with cinder blocks. He plans on removing these and using serpentine stone and cedar shake shingles for the roof.

Vice-Chairman Shiring asked what would be used if serpentine stone is not available. Mr. Miller responded that field stone would be used.

It was suggested that Mr. Miller contact Randell Spackman of Thornbury Farm who does restorations and has a pile of serpentine stone on the farm.

In accordance with the recommendation of the Historical Commission, Vice-Chairman Shiring moved to authorize approval of the building permit for William Miller for the spring house at 1060 West Street Road with the construction material being either serpentine stone or natural field stone from the local area. Chairman Boorse seconded the motion which was unanimously approved.

**STORMWATER MANAGEMENT WAIVER REQUEST FOR LEATHERS/1090
BRINTON'S BRIDGE ROAD**

Chester Diem, Engineer with Registers Associates, was present to discuss a waiver request needed for the construction of a bank barn for the Leathers property at 1090 Brinton's Bridge

Road. The Township Engineer has determined that the bank barn project would be eligible for the Modified Requirements for Small Projects stormwater management option per Section 101-106.D of the Ordinance. During the review, the Township Engineer noted that the existing equestrian area is surfaced with sand which does not qualify as green space and a variance would be necessary to decrease the green space to less than 90% of the net lot area. Mr. Leathers has decided to convert the equestrian area from sand to grass to conform to the green space ordinance requirements but this now requires a waiver from Section 101-106.D which limits the earth disturbance for a small project to between 2,700 square feet and 5,000 square feet. Turning the equestrian ring from sand to lawn will disturb an additional 2,420 square feet of earth which results in a total project earth disturbance of 7,410 square feet. However, the green space will increase from an existing 89.67% to 89.97% of the net lot area.

Mr. Diem noted that the ordinance doesn't specifically identify sand as pervious, but since it's excluded from the ordinance, the Township Engineer has interpreted sand as being impervious.

Vice-Chairman Shiring agreed that, arguably, sand could be considered pervious. With the conversion of the sand ring to lawn the area is truly converted to green space being 89.97%, only .03% below the ordinance requirement.

Vice-Chairman Shiring moved to approve the waiver request from Section 101-106.D of the Stormwater Management Ordinance for Todd Leathers, 1090 Brinton's Bridge Road, in order for the Modified Requirements for Small Projects Stormwater Management to be used for the 800 square foot addition bank barn construction project.

Chairman Boorse asked about the order of construction in order to minimize the disturbance. Mr. Diem responded that sod could have been placed in the equestrian ring first to stabilize it but that can't be done now because of the weather. Chairman Boorse suggested that the bank barn be done first and then the arena.

Supervisor Hill amended Vice-Chairman Shiring's motion by adding a condition that the disturbance be done to the bank barn project first followed by the disturbance to the equestrian ring. Vice-Chairman Shiring's motion was unanimously approved as amended.

PIAZZA MANAGEMENT/WEST CHESTER ACURA

Richard Orlow, legal representative, and Adam Brower, Engineer, were present on behalf of Piazza Management Company for a determination from the Board that land development approval is not required for the renovation of the Mazda dealership building by 1,310 square feet in order to add a canopy; increase the sales area; and to provide a drive-in location for vehicles to enter the service area or in the alternative, request a waiver from land development approval.

PC Solicitor Fronefield Crawford, Jr. reviewed the request as Solicitor for the Board and cited specific case law to the Board in a memorandum dated October 23, 2019 in which he opined that the addition does not constitute land development.

The following items were identified by the applicant:

1. The new construction area is already paved.
2. Impervious cover will be reduced by 900 sq. ft.
3. Access is 40' wide with an island which will be located out of the PennDOT right of way
4. Island is being added to separate customer parking area and sales inventory
5. The dealership will be connected to the Township sewer
6. Hyundai Building is south and the Acura building is north on Rt. 202
7. During the renovations the Hyundai building will be used
8. There is no off-loading of vehicles onto Rt. 202
9. There is still a straight line access for the tractor trailers
10. Emergency vehicle access and turning movements are addressed
11. There is two way movement with one direction in and one out
12. The entire outside of the building will be refaced

Chairman Boorse suggested a review of the approved use of 1350 Wilmington Pike, location of the Hyundai Building, which is planning to be used during the renovations.

Vice-Chairman Shiring moved that the canopy and addition to the Piazza Mazda Dealership at 1340 Wilmington Pike does not constitute land development as opined by Solicitor Fronefield Crawford Jr. as the impervious cover is actually decreasing due to the island addition; and there will be no additional traffic or parking. The applicant can proceed with the building permit process and connecting to the public sewer. Chairman Boorse seconded the motion which was unanimously approved.

AUTHORIZE 2020 ROAD PROGRAM

Chairman Boorse moved to authorize advertising for the 2020 road program through PennBid as prepared by the Township Engineer with the bids to be opened on January 29, 2020 and awarded on February 3, 2020. Vice-Chairman Shiring seconded the motion which was unanimously approved.

ADOPTION OF 2020 BUDGET

Sect./Treas. Nelling said that the preliminary 2020 budget was advertised for public inspection on November 7th. There has been no public inspection or requests for the budget. The Township is in receipt of the assessed valuation which has decreased by approximately 1,000,000 which will decrease tax receipts. Chairman Boorse moved to adopt the 2020 budget authorized for public inspection on November 4th. Vice-Chairman Shiring seconded the motion which was unanimously approved.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 8:14 PM. (MTS;SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

18-Nov-19

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|-----------------------------|------------|-----------|-----------------------------|--------------------|
| TRUMARK GENERAL FUND | | | | |
| 20144 | 11/18/2019 | 11 | 21ST CENTURY MEDIA - PHILLY | \$86.62 |
| 20145 | 11/18/2019 | 699 | 4IMPRINT,INC. | \$217.34 |
| 20146 | 11/18/2019 | 80 | AQUA PENNSYLVANIA | \$2,404.98 |
| 20147 | 11/18/2019 | 1002390 | CJS TIRE & AUTOMOTIVE | \$704.56 |
| 20148 | 11/18/2019 | 1002121 | CLEVENS K-9 SCOOP LLC | \$152.00 |
| 20149 | 11/18/2019 | 70 | CONCORD AUTO BODY, INC. | \$740.10 |
| 20150 | 11/18/2019 | 775 | CONVENIENT CAR CARE CORPO | \$389.35 |
| 20151 | 11/18/2019 | 560 | DRUGSCAN, INC. | \$168.00 |
| 20152 | 11/18/2019 | 2 | FREEDOM SYSTEMS | \$799.00 |
| 20153 | 11/18/2019 | 46 | GALLS, LLC | \$40.70 |
| 20154 | 11/18/2019 | 422 | HARRY TILLMAN AUTOMOTIVE L | \$52.99 |
| 20155 | 11/18/2019 | 517 | INDEPENDENCE BLUE CROSS | \$5,247.20 |
| 20156 | 11/18/2019 | 1002526 | MCDONALD UNIFORM CO., INC | \$1,015.95 |
| 20157 | 11/18/2019 | 1002573 | NMS LABS | \$587.00 |
| 20158 | 11/18/2019 | 205 | PARKWAY DRY CLEANERS, INC. | \$144.62 |
| 20159 | 11/18/2019 | 30 | PECO ENERGY (TRAFFIC LIGHT) | \$51.49 |
| 20160 | 11/18/2019 | 171 | REILLY & SONS INC. | \$867.77 |
| 20161 | 11/18/2019 | 26 | SIGNAL SERVICE INC. | \$100.00 |
| 20162 | 11/18/2019 | 1001833 | STAPLES BUSINESS ADVANTAG | \$186.19 |
| 20163 | 11/18/2019 | 1002195 | TERRASOL ENERGIES INC | \$327.26 |
| 20164 | 11/18/2019 | 1002392 | TRI-COUNTY PEST CONTROL IN | \$100.00 |
| 20165 | 11/18/2019 | 1002154 | VERIZON 250-441-074-0001-11 | \$54.15 |
| Bank Totals: | | | | \$14,437.27 |
| Total Of Checks: | | | | \$14,437.27 |

Check Register

BIRMINGHAM TOWNSHIP

18-Nov-19

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|---------------------------|------------|-----------|-----------------------------|-------------------|
| TRUMARK SEWER FUND | | | | |
| 9929 | 11/18/2019 | 1001859 | COYNE CHEMICAL | \$1,254.50 |
| 9930 | 11/18/2019 | 1002424 | M & S SERVICE COMPANY INC | \$3,698.00 |
| 9931 | 11/18/2019 | 164 | PENNSYLVANIA ONE CALL SYST | \$25.08 |
| 9932 | 11/18/2019 | 1002392 | TRI-COUNTY PEST CONTROL IN | \$60.00 |
| 9933 | 11/18/2019 | 586 | VERIZON 450-748-892-0001-25 | \$60.51 |
| 9934 | 11/18/2019 | 1001834 | WM P MCGOVERN INC | \$1,512.00 |
| Bank Totals: | | | | \$6,610.09 |
| Total Of Checks: | | | | \$6,610.09 |

Check Register

BIRMINGHAM TOWNSHIP

02-Dec-19

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|---------------------------|------------|-----------|-----------------------------|-------------------|
| TRUMARK SEWER FUND | | | | |
| 9944 | 12/2/2019 | 1002509 | AQUA PA WW | \$1,225.62 |
| 9945 | 12/2/2019 | 80 | AQUA PENNSYLVANIA | \$1,459.82 |
| 9946 | 12/2/2019 | 1002493 | VERIZON 350-442-985-0001-57 | \$40.43 |
| Bank Totals: | | | | \$2,725.87 |
| Total Of Checks: | | | | \$2,725.87 |

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02-Dec-19

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|---------------------------|------------|-----------|----------------------------|--------------------|
| TRUMARK SEWER FUND | | | | |
| 9935 | 12/2/2019 | 149 | AECOM | \$7,509.92 |
| 9936 | 12/2/2019 | 366 | BUCKLEY,BRION,MCGUIRE ATTY | \$1,032.50 |
| 9937 | 12/2/2019 | 2 | FREEDOM SYSTEMS | \$804.50 |
| 9938 | 12/2/2019 | 780 | GUMBALL MEDIA,LLC\LAND ART | \$2,211.00 |
| 9939 | 12/2/2019 | 29 | PECO ENERGY | \$2,453.10 |
| 9940 | 12/2/2019 | 1001695 | W G MALDEN INC | \$54.80 |
| 9941 | 12/2/2019 | 1002401 | WALTON WATER SERVICES | \$8,276.20 |
| 9942 | 12/2/2019 | 574 | WASTE MANAGEMENT OF SOUT | \$89.56 |
| 9943 | 12/2/2019 | 1001834 | WM P MCGOVERN INC | \$1,153.00 |
| Bank Totals: | | | | \$23,584.58 |
| Total Of Checks: | | | | \$23,584.58 |

Check Register

BIRMINGHAM TOWNSHIP

02-Dec-19

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|-----------------------------|------------|-----------|-------------------------------|---------------------|
| TRUMARK GENERAL FUND | | | | |
| 20166 | 12/2/2019 | 8 | 10-8 EMERGENCY VEHICLE SER | \$2,053.64 |
| 20167 | 12/2/2019 | 1001926 | AJ BLOENSKI, INC. | \$165.83 |
| 20168 ✓ | 12/2/2019 | 366 | BUCKLEY, BRION, MCGUIRE ATTY | \$2,852.75 |
| 20169 | 12/2/2019 | 873 | CARDMEMBER SERVICE | \$328.10 |
| 20170 | 12/2/2019 | 1002494 | CIVICPLUS | \$2,094.75 |
| 20171 | 12/2/2019 | 1001902 | COMCAST CABLE | \$106.85 |
| 20172 | 12/2/2019 | 1002011 | FRANCOTYP-POSTALIA INC | \$237.00 |
| 20173 | 12/2/2019 | 2 | FREEDOM SYSTEMS | \$1,206.75 |
| 20174 | 12/2/2019 | 114 | FRONFIELD CRAWFORD. JR. LL | \$1,220.00 |
| 20175 | 12/2/2019 | 289 | GENERAL CODE PUBLISHERS C | \$1,195.00 |
| 20176 | 12/2/2019 | 780 | GUMBALL MEDIA, LLC \ LAND ART | \$5,555.00 |
| 20177 | 12/2/2019 | 21 | H. A. THOMSON | \$2,275.00 |
| 20178 | 12/2/2019 | 1002053 | MICHAEL J HOCHHAUS | \$250.00 |
| 20179 | 12/2/2019 | 3 | PA TWP HEALTH INS COOP TRU | \$6,930.96 |
| 20180 | 12/2/2019 | 29 | PECO ENERGY | \$520.16 |
| 20181 | 12/2/2019 | 171 | REILLY & SONS INC. | \$527.78 |
| 20182 ✓ | 12/2/2019 | 1001900 | ROBERT CLARKE | \$599.00 |
| 20183 | 12/2/2019 | 26 | SIGNAL SERVICE INC. | \$390.00 |
| 20184 | 12/2/2019 | 1001833 | STAPLES BUSINESS ADVANTAG | \$275.39 |
| 20185 | 12/2/2019 | 51 | TREASURER CHESTER COUNTY | \$911.95 |
| 20186 | 12/2/2019 | 278 | UNRUH, TURNER, BURKE & FRE | \$1,342.74 |
| 20187 | 12/2/2019 | 23 | VANDEMARK & LYNCH, INC. | \$5,252.49 |
| 20188 | 12/2/2019 | 61 | VERIZON 753-804-167-0001-77 | \$361.03 |
| 20189 | 12/2/2019 | 1001913 | VERIZON WIRELESS 722423083 | \$190.78 |
| 20190 ✓ | 12/2/2019 | 821 | WILLIAM J KIRKPATRICK | \$250.00 |

Bank Totals:

\$37,092.95

Total Of Checks:

\$37,092.95

250.0036,842.95

Check Register

BIRMINGHAM TOWNSHIP

02-Dec-19

| Check No | Check Date | Vendor No | Vendor Name | Check Amount |
|----------------------|------------|-----------|-------------------|--------------|
| TRUMARK GENERAL FUND | | | | |
| 20191 | 12/2/2019 | 80 | AQUA PENNSYLVANIA | \$52.51 |
| Bank Totals: | | | | \$52.51 |
| Total Of Checks: | | | | \$52.51 |