

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
FEBRUARY 1, 2016**

**FREDDY'S FROZEN CUSTARD & STEAKBURGERS CONDITIONAL USE HEARING**

A conditional use hearing for Freddy's/Stephen DiMarco was held at 6 PM prior to the regular meeting. Mr. DiMarco is proposing to demolish the building at 1302 Wilmington Pike and build a Freddy's Frozen Custard and Steakburgers restaurant on the site. The hearing was closed and a decision will be rendered at the March 7<sup>th</sup> regular meeting.

**REGULAR MEETING**

The regular meeting of the Board of Supervisors was called to order at 7:34 PM in the Township Building by Chairman Conklin with the pledge of allegiance. A quorum of Supervisors was declared.

John Conklin	-	Chairman, Board of Supervisors
Scott Boorse	-	Vice-Chairman, Board of Supervisors
Michael Shiring	-	Member, Board of Supervisors

Chairman Conklin moved to approve the January 4, 2016 organizational meeting and regular meeting minutes as written. Mr. Boorse seconded the motion and the minutes were unanimously approved.

Mr. Boorse moved to approve the bills submitted for payment. General Fund bills totaled \$113,561.81. Sewer Fund bills totaled \$24,277.10. Mr. Shiring seconded the motion and the bills were unanimously approved.

**PUBLIC COMMENT**

The Commonwealth of PA Sunshine Law Act 93 (as amended in 1998) requires public comment to be held before official action is taken.

Ken Maher, HOA President for the Reserve at Chadds Ford, was present to follow up on an e-mail he sent to Chief Nelling complaining about the condition and safety of Creek Road. His major complaints were the numerous repairs to the potholes on the road which made the pavement uneven; the standing water covering the northbound lane after a blind curve; and several sections on the southbound lane where the pavement is caving into the Brandywine Creek. Mr. Maher also sent his e-mail to Rep. Dan Truitt. Rep. Truitt has set up a meeting with PennDOT this Friday to discuss Creek Road. Mr. Maher was present to request the Township's attendance at the PennDOT meeting and support for repairs to Creek Road. Mr. Maher was hopeful that the Township could somehow do the repairs to the State Road and not have to wait for PennDOT.

Chairman Conklin said that the Township cannot do repairs on state roads unless there is a state emergency and the state allows the township to do emergency repairs to its roads. Chairman Conklin was supportive of Creek Road being placed on PennDOT's long list of needed road repairs.

Supervisor Boorse added that he met with Rep. Truitt a few months ago and that at that time Creek Road was at the top of the list of state road repairs needed in the Township and that the Township is following the appropriate avenues to get the situation addressed. The Supervisors, Chief Nelling and Roadmaster Dave Rathbun will be attending Friday's meeting with PennDOT.

### **2016 ROAD PROGRAM**

It was duly advertised in the Daily Local News on January 11<sup>th</sup> and 15<sup>th</sup> that the Township would be opening bids for the 2016 Road Program at the February meeting. Three bids were received. The bid request was for a base bid and three alternates.

Innovative Construction Services  
Folcroft, PA

Base Bid: \$157,903.00  
Alt. #1: \$ 16,632.50  
Alt. #2: \$ 16,829.00  
Alt. #3: \$ 29,212.50

A.F. Damon & Co.  
Upland, PA

Base Bid: \$199,582.00  
Alt. #1: \$ 18,602.50  
Alt. #2: \$ 19,291.00  
Alt. #3: \$ 33,387.50

Dan Malloy Paving Co.  
Downingtown, PA

Base Bid: \$235,261.75  
Alt. #1: \$ 22,053.00  
Alt. #2: \$ 23,082.00  
Alt. #3: \$ 39,905.00

Jim Hatfield, Township Engineer, reviewed the bids for accuracy. The Township has worked with all three companies on past road programs and has had good results with each of them. In reviewing the bids Mr. Hatfield felt that Innovative Construction Services was close to his estimate except for item #7, an inlet repair at the bottom of the cul-de-sac on Lafayette Place. The bids from the other two companies were considerably higher than the estimate.

Dave Rathbun reminded the Board that there was inlet work on Sumner Way that may have to be done in 2016 that is not part of the bid which could cost up to \$25,000.

The Board felt the budget could handle the base bid and all three alternates. Chairman Conklin added that the work needed to be done and the bid price may not be as reasonable if the work is delayed for a future road program. Supervisor Boorse moved to approve the bid for the 2016 road program to Innovative Construction Services for the base bid and the three alternates for a total cost of \$220,577.00. Supervisor Shiring seconded the motion which was unanimously approved.

## **FEMA UPDATE**

Jim Hatfield provided a brief update on the FEMA map updates for Chester County. He attended two meetings with FEMA. The first meeting was titled a “Flood Risk Review” meeting and was held on September 18, 2015. At this meeting, FEMA provided information relative to new flood data that was being prepared for all municipalities in Chester County. This data included a new Flood Insurance Study and Flood Insurance Rate Map panels. Prior to the meeting, Mr. Hatfield had reviewed the preliminary map panels and had noted that some of the information did not appear to accurately map the floodplain. The area in question was in the Knolls of Birmingham and Birmingham Hunt communities, and encompassed an area for which the Township had received a LOMR (Letter of Map Revision) in 2006. A result of this first meeting was that Mr. Hatfield was able to correspond with the FEMA consultants and was able to provide them with additional data and the map panels were subsequently revised to incorporate the latest LOMR data.

The second meeting with FEMA was titled a “Community Coordination and Outreach” meeting and was held on January 12, 2016. The purpose of this meeting was to provide Chester County municipalities with the updated flood data and maps and to discuss ways for the municipalities to fully understand their risks from flooding, ways to mitigate the risk, and how flood insurance works. Mr. Hatfield stated that the responsibilities for the Township are:

- a) To review the FIRM map panels for accuracy and inform FEMA of any corrections, comments, or appeals;
- b) Provide community outreach to members of the Township advising them of pending revisions to the FEMA floodplain; and,
- c) To update existing ordinances to be consistent with the latest information.

A new or updated zoning ordinance for the Flood Hazard District will need to be approved by the State and adopted within six months of the LFD (Letter of Final Determination) date. FEMA anticipates they will issue their LFD in the fall of 2016, so a fully compliant ordinance will need to be adopted on or before the spring of 2017.

Mr. Hatfield stated that he had reviewed the maps and there did not appear to be any significant changes from the prior mapping from 2006, with the exception of the LOMR for the Knolls and Birmingham Hunt communities, which has now been corrected. Mr. Hatfield also stated that there was a Letter of Map Revision that had been obtained by the Radley Run Country Club within the last few years to accommodate the construction of some platform tennis courts. He stated that he had not checked the latest map updates to ensure this information was accurately reflected on the new maps, but would do so.

Finally, Mr. Hatfield stated that the FEMA officials were encouraging the municipalities to let affected property owners know of the new regulations as they will affect flood insurance rates. It is prudent for homeowners to keep their flood insurance policies up to date as new insurance policies will have to be written at the top of the rate tier after the new regulations are in place but it will not affect existing policies.

## **THOMPSON ZONING HEARING BOARD APPLICATION**

John & Karen Thompson of 1110 Washington Ridge South have submitted an application to the Zoning Hearing Board requesting a variance from the 10% maximum impervious coverage requirement of Section 122-24.C. of the Birmingham Township Code. The impervious coverage will be increased to 11.87% in order to construct an addition to their home. The current impervious coverage on the property is 11.24%, which met Township standards at the time the original home was constructed, so the variance request is for an increase in impervious coverage of .63%. Mr. Thompson was present and confirmed to the Board that the deck that is being removed is 373 sq. ft. and constructed of pervious material. The Board had no objection to the application but deferred to the judgment of the Zoning Hearing Board to render a decision. (JLC:SCB)

## **1301 BIRMINGHAM ROAD NEW HOUSE/ADEY/ (HARB AND HC)**

HARB met on January 19<sup>th</sup> to consider the construction of a new house at 1301 Birmingham Road (Wylie Farm) by Brad & Kendra Adey. Under a conservation easement with the Brandywine Conservancy there can only be one house on the property. The Adeys intend to construct a new single family home with an attached three car garage and patio and leave the farmhouse as is for storage with the removal of the kitchen facilities. The plans for the new house were drawn by Melton Architects, dated 12/07/2015.

The Historical Commission (HC) met on January 26<sup>th</sup> to review the site and landscape plan for the property. The HC approved the proposal conditioned upon changes to the landscaping plan to include replacement trees if existing trees die due to construction damage; the addition of screening trees on the north and east sides of the proposed house and existing barn; and the inclusion of pervious driveway coverage around the existing trees. Mike Lyons, legal counsel for the Adeys, said that the HC does not have jurisdiction over the new house construction but said that the Adeys were willing to comply with their requests.

Chairman Conklin moved to approve a Certificate of Appropriateness for the construction of a new house by the Adeys at 1301 Birmingham Road as approved by HARB. Supervisor Boorse seconded the motion which was unanimously approved with the following materials to be used on the new house:

Stone: Rolling Rock Building Stone, Inc., Platinum Series, Stone Veneer, Chesterbrooke Blend

Roof: CertainTeed Landmark Pro, Max De, Weathered Wood

Standing Seam Metal Roof, Front Porch: Berridge Tee Panel, Aged Bronze

Siding: James Hardie Siding Products – Artic White JH 10-20 – Smooth

Fascia, Trim: PVC, Azek, White

Windows: Marvin Ultimate double hung, primed wood interior, aluminum clad exterior (stone white), insulating lo e2 glass w/ argon, simulated divided lite with spacer bar

Railings – Front Porch: HB&G Prefinished Weather Resistant Cellular PVC, White

Columns at Porches: HB&G PermaCast Fiberglass Porch Columns, White

Garage Doors: Overhead Door Co., Insulated Steel or Fiberglass Doors, White

Front Door: Six Panel Solid Core painted White

Brick: Red Brick, Edge of all Porches

Slate: All Porch Floors and Rear Patio

## **TREASURER'S REPORT**

Sect./Treas. Nelling reported for 2015. Financial statements have been provided to the Supervisors and w-2's, 1099's and all required payroll, state, and county reports have been completed in order to receive liquid fuels funds by March 1<sup>st</sup>.

Balance carry forward in the general fund - \$928,680. (\$38,069. over the budget of \$890,611. as payments for building permits received and details worked were received in 2015 but not being paid until 2016).

Balance carry forward in the sewer fund - \$317,663. (\$20,221. over the budget of \$297,442.)

Balance carry forward in the state fund - \$44,048. (budget \$44,060. \$12. under budget)

Sect./Treas. Nelling highlighted items from the statements.

<u>GENERAL FUND</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>%</u>
Revenues	\$2,030,119.	\$2,319,737.	114%
Expenditures	\$1,494,043.	\$1,391,057.	93%
Real Estate Transfer Tax	\$ 140,000.	\$ 304,346.	218%
LST Tax	\$ 40,000.	\$ 55,070.	138%
Building Permits	\$ 60,000.	\$ 96,673.	161%
Police Dept.	\$ 569,559.	\$ 566,353.	99.4%

### **SEWER FUND**

Revenues	\$1,094,449.	\$1,262,943	115%
Expenditures	\$ 770,696.	945,280.	123%

Sect./Treas. Nelling noted that the overage in expenditures for the sewer fund was due to the unexpected costs from the nitrogen removal upgrade at the plant.

Sect./Treas. Nelling informed the Board that ESSA Bank & Trust, formerly Eagle Bank, will be closing its location in the Township on February 29, 2016. As the closest location will now be in Devon, the accounts will be closed and deposited at National Penn Bank until other investment options have been reviewed.

Chairman Conklin moved to accept the Treasurer's report for 2015. Supervisor Shiring seconded the motion which was unanimously approved.

## **CIVIL WAR TRUST PRESENTATION**

Thomas Gilmore, Director of Real Estate for the Civil War Trust, was present to discuss the acquisition of the 10.4 acre tract at 1370 Birmingham Road, which was involved in the Battle of Brandywine. The Civil War Trust is a national non-profit land trust which was established in 1999 for the preservation of civil war properties. Presently, the Trust has preserved 42,000 acres in 22 states through acquisition or conservation easements. The Civil War Trust has expanded its mission statement to include Revolutionary War and the War of 1812 properties. The property was appraised and is being sold for \$850,000. Grant funding will provide \$780,000. of the asking price. Additional funds are being raised through "Campaign 1776". A June 30<sup>th</sup> closing date is scheduled on the property. Grants made by the American Battlefield Program have to pass through a government entity which then transfers the funds to the Trust when the

acquisition closes. The Trust is requesting that the Township act as the government sponsor for the federal grant. The Trust would complete the necessary grant paperwork. After acquiring the property the Trust will need to grant a conservation easement to the Township. The Township would be required to protect the property in perpetuity. The easement would allow trails and signage for a public interpretive park.

The Board was favorable towards the proposal but wanted the Township Solicitor to review the request to make sure there were no liabilities for the Township and that the obligations as grant sponsor were fully understood.

The meeting was adjourned at 8:49 PM. (JLC;SCB)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

18-Jan-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
17734	1/18/2016	80	AQUA PENNSYLVANIA	\$2,348.25
17735	1/18/2016	366	BUCKLEY, BRION, MCGUIRE ATTY	\$1,689.00
17736	1/18/2016	79	CHESTER COUNTY SPCA	\$150.00
17737	1/18/2016	70	CONCORD AUTO BODY, INC.	\$773.30
17738	1/18/2016	1001908	DEBRA GALLEK	\$95.00
17739	1/18/2016	232	ELYSE/BERBEN INSIGNIA	\$55.00
17740	1/18/2016	114	FRONEFIELD CRAWFORD, JR. LL	\$1,320.00
17741	1/18/2016	702	GEORGE SPYROPOULOS, D.O.	\$150.00
17742	1/18/2016	21	H. A. THOMSON	\$6,227.50
17743	1/18/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$171.00
17744	1/18/2016	281	IACP	\$25.00
17745	1/18/2016	15	METROPOLITAN COMMUNICATI	\$159.90
17746	1/18/2016	29	PECO ENERGY	\$551.25
17747	1/18/2016	30	PECO ENERGY (TRAFFIC LIGHT)	\$47.64
17748	1/18/2016	171	REILLY & SONS INC.	\$438.23
17749	1/18/2016	26	SIGNAL SERVICE INC.	\$9,458.00
17750	1/18/2016	278	UNRUH, TURNER, BURKE & FRE	\$146.19
17751	1/18/2016	1002154	VERIZON 610-4291316 676	\$44.51
17752	1/18/2016	61	VERIZON 610-793-2600-794	\$324.98
17753	1/18/2016	1002166	WAVEBAND COMMUNICATIONS,	\$317.78
17754	1/18/2016	917	WITMER PUBLIC SAFETY GROU	\$69.52
17755	1/18/2016	1001881	YIS/COWDEN GROUP INC	\$27.75
<b>Bank Totals:</b>				<b>\$24,589.80</b>
<b>Total Of Checks:</b>				<b>\$24,589.80</b>

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

18-Jan-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN SEWER FUND</b>				
8902	1/18/2016	366	BUCKLEY,BRION,MCGUIRE ATTY	\$532.00
8903	1/18/2016	1001859	COYNE CHEMICAL	\$4,175.00
8904	1/18/2016	1001970	EAST BRADFORD TOWNSHIP	\$3,881.13
8905	1/18/2016	798	PA ONE CALL SYSTEM,INC.	\$24.60
8906	1/18/2016	29	PECO ENERGY	\$3,507.73
8907	1/18/2016	1001887	RUPPERT LANDSCAPE	\$144.00
8908	1/18/2016	586	VERIZON 610-399-6923 315	\$89.25
<b>Bank Totals:</b>				<b>\$12,353.71</b>
<b>Total Of Checks:</b>				<b>\$12,353.71</b>



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

01-Feb-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN GENERAL FUND</b>				
17756	2/1/2016	11	21ST CENTURY MEDIA - PHILLY	\$945.88
17757	2/1/2016	1001926	AJ BLOSENSKI, INC.	\$147.74
17758	2/1/2016	80	AQUA PENNSYLVANIA	\$16.00
17759	2/1/2016	864	BEACON .	\$35.00
17760	2/1/2016	873	CARDMEMBER SERVICE	\$255.65
17761	2/1/2016	153	CHESTER COUNTY POLICE CHIE	\$150.00
17762	2/1/2016	1001994	CLARK HILL PLC	\$1,197.00
17763	2/1/2016	1002121	CLEVENS K-9 SCOOP LLC	\$84.00
17764	2/1/2016	1001902	COMCAST CABLE	\$104.85
17765	2/1/2016	70	CONCORD AUTO BODY, INC.	\$620.78
17766	2/1/2016	775	CONVENIENT CAR CARE CORPO	\$299.40
17767	2/1/2016	46	GALLS, LLC	\$49.85
17768	2/1/2016	872	GEMPLERS	\$84.90
17769	2/1/2016	780	GUMBALL MEDIA,LLC\LAND ART	\$720.00
17770	2/1/2016	1002153	HARRIS CORPORATION	\$8,460.50
17771	2/1/2016	422	HARRY TILLMAN AUTOMOTIVE L	\$33.00
17772	2/1/2016	1002152	MORTON SALT, INC.	\$5,630.50
17773	2/1/2016	178	PAGE EXCAVATING COMPANY,I	\$59,605.00
17774	2/1/2016	29	PECO ENERGY	\$8.67
17775	2/1/2016	171	REILLY & SONS INC.	\$623.57
17776	2/1/2016	1002104	ROBERT E LITTLE, INC.	\$85.28
17777	2/1/2016	26	SIGNAL SERVICE INC.	\$1,725.50
17778	2/1/2016	1001833	STAPLES BUSINESS ADVANTAG	\$347.13
17779	2/1/2016	1001988	THE STANDARD INSURANCE CO	\$499.31
17780	2/1/2016	23	VANDEMARK & LYNCH, INC.	\$6,521.94
17781	2/1/2016	1001913	VERIZON WIRELESS	\$148.73
17782	2/1/2016	1001922	WESTERN PEST SERVICES	\$411.84
17783	2/1/2016	917	WITMER PUBLIC SAFETY GROU	\$159.99
<b>Bank Totals:</b>				<b>\$88,972.01</b>
<b>Total Of Checks:</b>				<b>\$88,972.01</b>

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

01-Feb-16

Check No	Check Date	Vendor No	Vendor Name	Check Amount
<b>NATIONAL PENN SEWER FUND</b>				
8909	2/1/2016	80	AQUA PENNSYLVANIA	\$1,567.33
8910	2/1/2016	780	GUMBALL MEDIA,LLC\LAND ART	\$710.00
8911	2/1/2016	1001963	M & B ENVIRONMENTAL INC	\$5,785.75
8912	2/1/2016	574	WASTE MANAGEMENT OF SOUT	\$48.47
8913	2/1/2016	1001922	WESTERN PEST SERVICES	\$411.84
8914	2/1/2016	1001834	WM P MCGOVERN INC	\$3,400.00
<b>Bank Totals:</b>				<b>\$11,923.39</b>
<b>Total Of Checks:</b>				<b>\$11,923.39</b>