

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
SEPTEMBER 16, 2020**

Due to scheduling issues, the regular meeting of the Board of Supervisors was held on the third Wednesday of September instead of the customary first Monday of the month. The meeting was called to order at 7:33 PM by Chairman Boorse via a recorded virtual meeting through Zoom in order to practice safe distancing during the COVID-19 crisis. Also in attendance at the building were Chief Thomas Nelling and Secretary/Treasurer Quina Nelling. Joining the meeting in virtual mode were Vice-Chairman Michael Shiring; Supervisor J. Daniel Hill; Township Solicitor Kristin Camp; Solicitor Kim Venzie; Editor of Chadds Ford Live, Richard Schwartzman; Mark & Susan Beauchamp, 942 Stoney Run Drive; and Daniel & Patricia Warner, 969 Wes Moore Drive.

Vice-Chairman Shiring moved to approve the August 3, 2020 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 3rd meeting. General Fund bills totaled \$57,692.88. Sewer Fund bills totaled \$40,376.91. Supervisor Hill seconded the motion and the bills were unanimously approved.

WIRELESS COMMUNICATIONS FACILITIES (WCF) ORDINANCE UPDATE FROM SOLICITOR KIM VENZIE

Solicitor Kim Venzie with Buckley, LLP was participating in tonight's meeting as she has reviewed the WCF ordinances of townships represented by Buckley, LLP as federal and state laws regulating such facilities have drastically changed. Federal and state governments expect municipalities to process WCF applications within shorten time frames in order to encourage the rapid deployment of distributed antennae systems and mini-cell tower networks. Birmingham's WCF provisions have not been updated since 1997. The Township's existing WCF provisions do not address the new types of facilities and technologies that are being utilized in order to increase connectivity.

Solicitor Venzie has recommended that ordinance amendments be adopted to address these new types of facilities, such as antenna systems within public rights-of-way, and smaller wireless facilities. Currently WCF facilities are addressed in the zoning ordinance. Solicitor Venzie is suggesting a new chapter in the Township Code to further clarify the WCF provisions to provide for more specific design requirements. The Township doesn't have a lot of control over the location of the facilities but it can regulate their design. In addition to the ordinance, Solicitor Venzie is suggesting a resolution to adopt Design Guidelines for Small Wireless Facilities.

Solicitor Venzie will be participating in the October Planning Commission meeting to discuss these WCF facilities ordinance recommendations.

HARB REPORT

HARB met on September 15th and considered two applications.

942 STONEY RUN DR/BEAUCHAMP/REPLACE STUCCO WITH HARDI PLANK

HARB recommended that a Certificate of Appropriateness be issued to Mark and Susan Beauchamp, 942 Stoney Run Drive, Hamilton Place, for the removal of the stucco on their home and replacing it with Hardie Plank siding, color “Cobblestone”. The trim will be white/Azek; the front door will be dark brown; and the shutters will be black.

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

969 WES MOORE DR/WARNER/REPLACE STUCCO WITH HARDI PLANK & RE-ROOF

HARB recommended that a Certificate of Appropriateness be issued to Daniel and Patricia Warner, 969 Wes Moore Drive, for the removal of all the stucco and siding from their home and replacing it with Hardie Plank siding, color “Arctic White”. The trim will be white. The stucco chimney will be covered in stone veneer to match the stone on the home. All shutters will be black. The roof will be replaced with CertainTeed Landmark shingles “Moiré Black”.

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

ACCEPT DEED OF DEDICATION OF SEWER LINES/1360 OLD WILMINGTON PIKE

Solicitor Camp said that the property at 1360 Old Wilmington Pike has been subdivided into three lots by the developer, Peter Anastasiadis, on behalf of Constantine and Eleni Anastasiadis. The lots are serviced by public sewer through the Birmingham Township sewer plant. New sewer facilities had to be installed in the right-of-way of Old Wilmington Pike. Sewer Engineer, Sandi Morgan of AECOM, has reviewed the plans and Solicitor Camp has reviewed the legal description for the sanitary sewer facilities.

Chairman Boorse moved to approve Resolution 2020-0916 to accept the Deed of Dedication of the Sanitary Sewer Facilities from Constantine and Eleni Anastasiadis for the three lot development at 1360 Old Wilmington Pike as part of the public sewer system of the Township. Vice-Chairman Shiring seconded the motion which was unanimously approved.

POLICE DEPARTMENT PERSONNEL

Chief Nelling stated that part-time Officer Andrew DiPaolo has completed his training and is able to patrol on his own. He is recommending that Officer DiPaolo’s pay rate be increased from the training rate of \$20./hr. to the first level patrolman rate of \$22./hr., effective September 21st.

Chairman Boorse moved to approve the pay rate increase for Office DiPaolo to \$22./hr. effective September 21st, as recommended by Chief Nelling. Vice-Chairman Shiring seconded the motion which was unanimously approved.

Chief Nelling said that Officer Tyler DeVoe took it upon himself on his own time to update the fifteen year old Officer Field Training Program manual for new officers. Chief Nelling said he would like to recognize Officer DeVoe's efforts with a pay bonus of \$650.

Chairman Boorse said that Officer DeVoe recognized a need and utilized his skills to accomplish this task for the Police Department. As recommended by Chief Nelling, Chairman Boorse moved to approve a \$650. bonus in the next paycheck for Officer DeVoe. Vice-Chairman Shiring seconded the motion which was unanimously approved.

AUTHORIZE ADVERTISING

2020/2021 SNOW REMOVAL BIDS

Chairman Boorse moved to authorize advertising for snow removal bids for the 2020/2021 winter season to be opened at the next Township meeting on October 5th. Vice-Chairman Shiring seconded the motion which was unanimously approved.

ORDINANCE FOR POLICE PENSION PLAN CONTRIBUTIONS BY EMPLOYEES

At the July 6th meeting, the Supervisors Adopted Ordinance 2020-01 to re-state the uniform pension plan which is required to be done every six years by the IRS. With the adoption of the ordinance, the defined benefit adoption agreements were executed.

PMRS, the administrator of the pension plan, has notified the Township that an additional ordinance has to be adopted to amend the pension plan and to amend the defined benefit adoption agreement, specifically Section 4.02, Member Contributions, to state that the required contribution by the police officers to the pension plan is zero percent of their compensation.

Vice-Chairman Shiring moved to authorize advertising on the ordinance for police pension plan contributions by employees for October 5th. Chairman Boorse seconded the motion which was unanimously approved.

MMO ON 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 obligation of the plans for the coming year by the last business day in September. The calculation of the costs of the plans, or the MMO, required an estimate of the 2020 W-2 wages of the employees covered by the plans.

The minimum municipal obligation for both the uniform and the non-uniform plan is \$0.00, as the actuarial present value of future benefits is less than the actuarial value of the plan assets, so the MMO is automatically set at \$0.00.

Any pension costs would be off-set by State Aid to municipal pension to which the Township is entitled under Act 205. As there is no cost to the Township for 2021, any State Aid received will have to be sent to PMRS and put into the pension plan funds.

NEXT STEPS DUE TO COVID-19

On March 16th the Township issued a seven day Declaration of Disaster Emergency due to the State of Emergency from the Coronavirus COVID-19 threat to injury, damage and suffering to persons and property of the Township and the entirety of Chester County. The Disaster Emergency was extended another seven days on March 23rd and again on April 6th until May 4th.

On May 4th the Supervisors adopted Resolution #2020-0504A to ratify the Declaration of Disaster Emergencies dated March 16th and March 23rd, to extend the March 23rd Declaration of Disaster Emergency and to adopt procedures and policies for conducting public meetings during such state of emergency.

Committee meetings have resumed via Zoom. Sect./Treas. Nelling said that the office is operating fine with the building closed and all business is able to be performed normally. Other than meetings with township consultants, no appointments have been requested. She said that the Township had received notice from Jennifer Breton with Buckley, LLP that Governor Wolf extended the disaster emergency declaration through at least November 29, 2020 with the recommendation that any local emergency declaration be open-ended and continue until further resolution adopted by the governing body, consistent with the Governor's disaster emergency declaration.

The Supervisors agreed to maintain status quo with the Declaration of Disaster Emergency until their next meeting on October 5th with the building closed, except for appointments, and all meetings to be held virtually with this item to remain on each upcoming agenda.

PUBLIC COMMENT

Richard Schwartzman said that Concord Township, Delaware County, is now conducting in person and virtual meetings but the in person audience is limited to ten people.

It was noted that the meeting room at Concord Township is much larger than the meeting room for Birmingham.

Sect./Treas. Nelling announced the resignation of HARB Secretary, Christy Mobile. However, Mrs. Mobile may be able to return as the HARB Secretary after the pandemic. In the meantime the HARB meetings will be transcribed by the Township Administrative Staff, Kim Schmelzer and Cat Rafter.

Sect./Treas. Nelling said that there is still a vacancy on the Recreation, Park and Open Space Committee (RPOS). Chairman Boorse said that he thinks RPOS Chair Anne Seimer may have a possible candidate for the vacancy.

Richard Schwartzman said that the Pumpkin Carve will be virtual with the carvings to be done at home with your own pumpkin. Submissions will be accepted until October 21st and will be posted on the Chadds Ford Historical Society Facebook page.

The meeting was adjourned at 8:23 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

06-Oct-20

From: 04-Aug-20 To: 16-Sep-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
20565	8/10/2020	80	AQUA PENNSYLVANIA	\$2,404.98	O
20566	8/10/2020	79	BRANDYWINE VALLEY SPC	\$180.00	O
20567	8/10/2020	366	BUCKLEY,BRION,MCGUIRE	\$2,176.65	O
20568	8/10/2020	46	GALLS, LLC	\$65.94	O
20569	8/10/2020	29	PECO ENERGY	\$291.63	O
20570	8/10/2020	30	PECO ENERGY (TRAFFIC LI	\$63.47	O
20571	8/10/2020	811	S & S CLEANING SERVICE	\$388.00	O
20572	8/10/2020	26	SIGNAL SERVICE INC.	\$354.95	O
20573	8/10/2020	1002392	TRI-COUNTY PEST CONTRO	\$100.00	O
20574	8/24/2020	1001926	AJ BLOENSKI, INC.	\$165.83	O
20575	8/24/2020	775	CONVENIENT CAR CARE C	\$359.60	O
20576	8/24/2020	1002011	FRANCOTYP-POSTALIA INC	\$237.00	O
20577	8/24/2020	46	GALLS, LLC	\$178.46	O
20578	8/24/2020	422	HARRY TILLMAN AUTOMOTI	\$35.00	O
20579	8/24/2020	517	INDEPENDENCE BLUE CRO	\$4,722.48	O
20580	8/24/2020	1002573	NMS LABS	\$550.00	O
20581	8/24/2020	178	PAGE EXCAVATING COMPA	\$1,290.00	O
20582	8/24/2020	205	PARKWAY DRY CLEANERS,	\$191.55	O
20583	8/24/2020	171	REILLY & SONS INC.	\$1,045.16	O
20584	8/24/2020	1002154	VERIZON 250-441-074-0001-	\$62.17	O
20585	8/24/2020	1001913	VERIZON WIRELESS 722423	\$187.42	O
20586	8/24/2020	1002214	WE R TECHNOLOGY	\$1,500.00	O
20587	9/3/2020	557	ALL SEASONS LANDSCAPIN	\$919.08	O
20588	9/3/2020	80	AQUA PENNSYLVANIA	\$166.18	O
20589	9/3/2020	873	CARDMEMBER SERVICE	\$963.94	O
20590	9/3/2020	1002121	CLEVENS K-9 SCOOP LLC	\$190.00	O
20591	9/3/2020	1001902	COMCAST CABLE	\$138.39	O
20592	9/3/2020	775	CONVENIENT CAR CARE C	\$149.75	O
20593	9/3/2020	780	GUMBALL MEDIA,LLC\LAND	\$790.00	O
20594	9/3/2020	422	HARRY TILLMAN AUTOMOTI	\$132.99	O
20595	9/3/2020	1002643	M. LABARE CERTIFIED ARB	\$450.00	O
20596	9/3/2020	1001755	MAJIC LANDSCAPES	\$1,809.00	O
20597	9/3/2020	29	PECO ENERGY	\$269.34	O
20598	9/3/2020	507	ROTHWELL DOCUMENT SO	\$48.33	O
20599	9/3/2020	811	S & S CLEANING SERVICE	\$388.00	O
20600	9/3/2020	1001833	STAPLES BUSINESS ADVAN	\$33.47	O
20601	9/3/2020	61	VERIZON 753-804-167-0001-	\$361.37	O
20602	9/3/2020	917	WITMER PUBLIC SAFETY G	\$855.12	O

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06-Oct-20

From: 04-Aug-20 To: 16-Sep-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
20603	9/8/2020	30	PECO ENERGY (TRAFFIC LI	\$12.71	O
20604	9/16/2020	1002533	ALEXANDER FOOTE	\$1,460.15	O
20605	9/16/2020	80	AQUA PENNSYLVANIA	\$2,404.98	O
20606	9/16/2020	849	BATTAVIO/B&F SERVICE CO	\$105.00	O
20607	9/16/2020	366	BUCKLEY,BRION,MCGUIRE	\$943.00	O
20608	9/16/2020	529	CHRISTY MOBILE	\$100.00	O
20609	9/16/2020	775	CONVENIENT CAR CARE C	\$149.75	O
20610	9/16/2020	232	ELYSE/BERBEN INSIGNIA	\$439.00	O
20611	9/16/2020	2	FREEDOM SYSTEMS	\$623.25	O
20612	9/16/2020	114	FRONEFIELD CRAWFORD. J	\$738.00	O
20613	9/16/2020	46	GALLS, LLC	\$37.77	O
20614	9/16/2020	21	H. A. THOMSON	\$8,596.24	O
20615	9/16/2020	422	HARRY TILLMAN AUTOMOTI	\$130.99	O
20616	9/16/2020	517	INDEPENDENCE BLUE CRO	\$5,247.20	O
20617	9/16/2020	6	INNOVATIVE CONSTRUCTIO	\$6,750.00	O
20618	9/16/2020	711	JUDY JENSEN	\$895.00	O
20619	9/16/2020	1002053	MICHAEL J HOCHHAUS	\$250.00	O
20620	9/16/2020	1002573	NMS LABS	\$1,100.00	O
20621	9/16/2020	205	PARKWAY DRY CLEANERS,	\$148.00	O
20622	9/16/2020	30	PECO ENERGY (TRAFFIC LI	\$50.60	O
20623	9/16/2020	171	REILLY & SONS INC.	\$971.70	O
20624	9/16/2020	115	THOMAS R. NELLING	\$106.75	O
20625	9/16/2020	23	VANDEMARK & LYNCH, INC.	\$2,159.19	O
20626	9/16/2020	1002154	VERIZON 250-441-074-0001-	\$58.35	O
Bank Total:				\$57,692.88	

Bank Account: 81 TRUMARK SEWER FUND

10085	8/10/2020	80	AQUA PENNSYLVANIA	\$3,239.51	O
10086	8/10/2020	366	BUCKLEY,BRION,MCGUIRE	\$220.00	O
10087	8/10/2020	1001859	COYNE CHEMICAL	\$2,832.29	O
10088	8/10/2020	798	PA ONE CALL SYSTEM,INC.	\$26.60	O
10089	8/10/2020	29	PECO ENERGY	\$2,351.10	O
10090	8/10/2020	1002392	TRI-COUNTY PEST CONTRO	\$60.00	O
10091	8/10/2020	1001834	WM P MCGOVERN INC	\$414.00	O
10092	8/11/2020	586	VERIZON 450-748-892-0001-	\$61.62	O
10093	8/24/2020	1001834	WM P MCGOVERN INC	\$1,620.00	O
10094	9/3/2020	1002509	AQUA PA WW	\$1,308.91	O
10095	9/3/2020	80	AQUA PENNSYLVANIA	\$1,590.44	O
10096	9/3/2020	780	GUMBALL MEDIA,LLC\LAND	\$1,610.50	O
10097	9/3/2020	1001755	MAJIC LANDSCAPES	\$468.00	O

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06-Oct-20

From: 04-Aug-20 To: 16-Sep-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
10098	9/3/2020	29	PECO ENERGY	\$2,163.18	O
10099	9/3/2020	1002493	VERIZON 350-442-985-0001-	\$40.85	O
10100	9/3/2020	574	WASTE MANAGEMENT OF S	\$182.29	O
10101	9/3/2020	1001834	WM P MCGOVERN INC	\$270.00	O
10102	9/16/2020	849	BATTAVIO/B&F SERVICE CO	\$315.00	O
10103	9/16/2020	366	BUCKLEY,BRION,MCGUIRE	\$594.50	O
10104	9/16/2020	1002424	M & S SERVICE COMPANY I	\$420.00	O
10105	9/16/2020	164	PENNSYLVANIA ONE CALL	\$34.30	O
10106	9/16/2020	586	VERIZON 450-748-892-0001-	\$61.79	O
10107	9/16/2020	1001695	W G MALDEN INC	\$157.02	O
10108	9/16/2020	1002401	WALTON WATER SERVICES	\$7,759.26	O
10109	9/16/2020	821	WILLIAM J KIRKPATRICK	\$250.00	O
10110	9/16/2020	1001834	WM P MCGOVERN INC	\$6,335.75	O
10111	9/16/2020	734	XYLEM WATER SOLUTIONS	\$5,990.00	O
Bank Total:				\$40,376.91	
Total Of Checks:				\$98,069.79	