

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISOR MINUTES
OCTOBER 5, 2020**

The regular meeting of the Board of Supervisors was called to order at 7:32 PM in the Township Building 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; RPOS Chairperson Anne Siemer; Editor of Chadds Ford Live, Richard Schwartzman; and members of the 43rd Regiment of Foot – Randell Spackman; 1st Vice-President Paul Loane and Treasurer Dave Moorhead.

Vice-Chairman Shiring moved to approve the September 16, 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 September 16th meeting. General Fund bills totaled \$50,847.58. Sewer Fund bills totaled \$24,408.31. Supervisor Hill seconded the motion and the bills were unanimously approved.

BRANDYWINE BATTLEFIELD RE-ENACTMENT DISCUSSION

Randell Spackman, Thornbury Road resident, representing the PA 43rd Regiment A Foot, an organization that portrays an 18th Century military organization, requested to be on the agenda to discuss a third Brandywine Battlefield re-enactment to be held the end of September 2022 at Sandy Hollow Park. Living history re-enactments with re-enactors and settlers were previously held at Sandy Hollow Park in 2014 and 2017. The re-enactments have been well received by the community. The PA 43rd Regiment A Foot Organization is requesting the Board's blessing for a similar event to be held on September 24th and 25th, 2022 in order for the date to be reserved and publicized.

Randell Spackman said that he would be the main contact for the event. For previous events, Linda Kaat was the main contact and Supervisor Chairman John Conklin, along with a committee of volunteers, did a large amount of the work. Mr. Spackman said that he intends to use as many people and resources as possible for the event. He also anticipates Thornbury Township, Chester County to get more involved to create a more regional event.

Vice-Chairman Shiring said that the events were very well received and the intent was to continue with them on five year increments.

Chairman Boorse said that the role of the Township will need to be defined for budget purposes.

Paul Loane commented that this would be a good dress rehearsal for the 250th anniversary. He said that there have been ten events in 45 years. The Sandy Hollow site is a perfect setting for the re-enactors to do what they do in a realistic, believable way.

The Board of Supervisors were supportive of the event and the September 24th and 25th 2022 dates being publicized. Randell Spackman will be the main contact for the event. Vice-Chairman Shiring volunteered to be the Township contact for the event. Paul Loane will be the contact for the re-enactment troops.

RECREATION, PARK & OPEN SPACE (RPOS) REQUEST FOR DOG STATION AT BIRMINGHAM HILL

RPOS Chairperson Anne Siemer said that there has been a lot more foot traffic at Birmingham Hill since the spring and the onset of COVID 19. Visitors are bringing poop bags and leaving them or not picking up their dog waste. Since the opening of the Brandywine Conservancy field at Birmingham Hill there have been a lot more dog walkers. Natural Resource Manager with the Brandywine Conservancy, Kevin Fryberger, oversees the field at Birmingham Hill. He said that the intent of the master plan for the property is no dog walking in the fields, just along the roads, with a path along Wylie Road to be opened up for dog walking. RPOS is recommending a dog waste station be installed at Birmingham Hill. The cost of the station is \$470. with a weekly cleaning cost of \$19. for an annual cleaning cost of \$988. Cleaning includes emptying the container; supplying the bags; and cleaning up the area around the dog waste station. Chairperson Siemer said that there were funds available in the RPOS budget for the dog waste station.

Vice-Chairman Shiring said that RPOS should be conscientious of the Birmingham Hill cemetery when choosing the location for the waste station. Chairperson Siemer said she would talk to the vendor, Clevens K-9 Scoop, about the best location for the dog waste station. She was thinking that along the parking lot, away from the fence line, might be a good location.

The Board was supportive of the installation of the dog waste station at Birmingham Hill, noting that the funding was available in the RPOS budget.

DISCUSSION OF SETBACK AND SOLAR ENERGY ORDINANCE PROVISIONS

At its March 10th meeting the Planning Commission had forwarded an ordinance recommendation to the Board of Supervisors on measuring the setback for accessory structures by defining lot line and amending standards for solar energy systems. The Board has reviewed the ordinance recommendation and has asked Solicitor Camp to revise certain sections of the ordinance as they had a different position on the ordinance proposal than the Planning Commission. Vice-Chairman Shiring had explained the Board's position in detail to the Planning Commission at its February and March meetings.

Solicitor Camp stated that the setback provisions for accessory structures are now uniform for all zoning districts. There was discrepancy with some lot lines being measured from the edge of the street and some from the middle of the street. The definition of lot line has been amended so the setback measurement is consistent. The solar energy ordinance has been tweaked to modernize it. The Planning Commission made a recommendation on an earlier version of the ordinance.

Chairman Boorse moved to authorize the revised setback for accessory structure and solar energy ordinance be remanded back to the Planning Commission for a recommendation at its October meeting and to have the Township Solicitor forward the ordinance proposal to the

Chester County Planning Commission for comment. Supervisor Hill seconded the motion which was unanimously approved.

ORDINANCE FOR POLICE PENSION PLAN CONTRIBUTIONS BY EMPLOYEES

Every six years the IRS requires that the Pennsylvania Municipal Retirement System (PMRS) administered uniform and non-uniform pension plans be re-stated with newly adopted ordinances and defined benefit adoption agreements, even if there are no changes to the pension plans. At the July 6th meeting, the Supervisors adopted Ordinance 2020-01 to re-state the uniform pension plan. With the adoption of the ordinance, the defined benefit adoption agreements were executed.

PMRS has notified the Township that an additional ordinance has to be adopted to amend the pension plan and 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.

Consideration of the ordinance at tonight's meeting was duly advertised in the Daily Local News on September 22, 2020.

Chairman Boorse moved to adopt Ordinance 2020-03 to amend the police pension plan administered by PMRS pursuant to Article IV of the Pennsylvania Municipal Retirement Law and to execute the defined benefit agreement. Vice-Chairman Shiring seconded the motion which was unanimously approved.

2020/2021 SNOW REMOVAL BIDS

It was duly advertised in the Daily Local News on September 18th and 23rd that bids would be opened at tonight's meeting for snow removal services for the 2020/2021 season. One bid was received from Page Excavating Company of Lincoln University. Chairman Boorse compared the hourly equipment and labor prices with last year's bid. He noted that most of the equipment rates had increased \$15.00- \$30.00/hr. The labor rate was increased by \$2.00 to \$55.00/hr. However, the overtime labor rate decreased from an additional \$20.00/hr. to \$15.00/hr. Hauling salt increased from \$100.00/hr. to \$125.00/hr. and salt storage increased from \$185.00/month to \$250.00/month. One bid item that looked unusual was the one time charge for mounting the plows and spreaders which had decreased from \$1,300.00 to \$150.00.

Sect./Treas. Nelling noted that the mild winter last year, and the required salt purchase through the State Costars program, meant that salt storage had to be found off site from the Page Excavating Company site, which is probably the reason for the increase in the salt storage price.

The bid was submitted with the appropriate bid bond and certificate of insurance.

Chairman Boorse noted that the last few years of snow removal had been more salting events and even though the bid prices have increased the cost of snow removal has decreased because of the lack of snow events.

Chairman Boorse moved to accept the September 28, 2020 snow removal proposal for the 2020/2021 season from Page Excavating Company. Vice-Chairman Shiring seconded the motion which was unanimously approved.

DISCUSSION ON THE DISTRIBUTION OF FIRE RELIEF FUNDS

The Township receives fire relief funds from the State which have to be distributed to local fire and ambulance relief agencies. For many years the funds were equally distributed between Concord Township Volunteer Firemen's Relief Association and West Chester Firemen's Relief Association. Good Fellowship Ambulance requested that they be included in the distribution of relief funds and a portion of the distribution to West Chester was given to Good Fellowship. Two years ago the Township received notification of audit findings regarding the use of the relief funds by Good Fellowship so the Board stopped allocating a distribution to Good Fellowship. Due to the number of calls and residents served by Concordville Fire Department, the Board had chosen to allocate the distribution of funds so that 2/3 went to Concord Township VFRA and 1/3 to West Chester Relief Association.

Sect./Treas. Nelling noted that Good Fellowship had addressed all of the audit findings on the relief funds distribution.

Chief Nelling noted that the relief funds are used for training and the purchase of equipment. He informed the Board that Good Fellowship had been instrumental in providing COVID-19 PPE supplies to the police department.

Chairman Boorse moved to allocate the 2020 Fire Relief Funds: 50%-Concord Township VFRA; 37.5%-West Chester Firemen's Relief Assoc; 12.5%-Good Fellowship Relief Association. Vice-Chairman Shiring seconded the motion which was unanimously approved.

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.

The Township Office has been closed to the public and the office has been operating fine with the building closed and all business is able to be handled normally. All committee meetings have resumed virtually. The Board felt no pressure to re-open the building to the public and with the small size of the meeting room they felt it would be difficult to maintain six foot social distancing. The Board felt that the virtual meeting options through Zoom had been working fine. With the disaster emergency declared through November 29th by Governor Wolf, the Board did not feel inclined to rush to open the building or in person meetings to the public and agreed to maintain status quo with the Declaration of Disaster Emergency.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 8:38 PM. (SCB;JDH)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

04-Nov-20

From: 06-Oct-20 To: 02-Nov-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
20653	10/8/2020	80	AQUA PENNSYLVANIA	\$1,879.53	O
20654	10/8/2020	849	BATTAVIO/B&F SERVICE CO	\$160.00	O
20655	10/8/2020	1002121	CLEVENS K-9 SCOOP LLC	\$235.00	O
20656	10/8/2020	775	CONVENIENT CAR CARE C	\$179.70	O
20657	10/8/2020	30	PECO ENERGY (TRAFFIC LI	\$63.43	O
20658	10/8/2020	171	REILLY & SONS INC.	\$384.08	O
20659	10/8/2020	1001900	ROBERT CLARKE	\$599.00	O
20660	10/8/2020	811	S & S CLEANING SERVICE	\$388.00	O
20661	10/8/2020	1001833	STAPLES BUSINESS ADVAN	\$35.94	O
20662	10/19/2020	1002606	CRYSTAL SPRINGS	\$12.67	O
20663	10/19/2020	232	ELYSE/BERBEN INSIGNIA	\$60.00	O
20664	10/19/2020	517	INDEPENDENCE BLUE CRO	\$5,925.19	O
20665	10/19/2020	205	PARKWAY DRY CLEANERS,	\$127.15	O
20666	10/19/2020	1002154	VERIZON 250-441-074-0001-	\$63.04	O
20668	10/27/2020	1001913	VERIZON WIRELESS 722423	\$187.65	O
20669	11/2/2020	1001926	AJ BLOSENSKI, INC.	\$165.83	O
20670	11/2/2020	557	ALL SEASONS LANDSCAPIN	\$919.08	O
20671	11/2/2020	80	AQUA PENNSYLVANIA	\$80.20	O
20672	11/2/2020	1002008	BRANDYWINE RED CLAY AL	\$205.00	O
20673	11/2/2020	366	BUCKLEY,BRION,MCGUIRE	\$2,391.75	O
20674	11/2/2020	873	CARDMEMBER SERVICE	\$848.75	O
20675	11/2/2020	600	CHESCO HISTORIC PRESER	\$100.00	O
20676	11/2/2020	617	CHESTER WATER AUTHORI	\$653.40	O
20677	11/2/2020	1002390	CJS TIRE & AUTOMOTIVE	\$1,167.75	O
20678	11/2/2020	1002121	CLEVENS K-9 SCOOP LLC	\$152.00	O
20679	11/2/2020	1001902	COMCAST CABLE	\$138.39	O
20680	11/2/2020	909	CONCORD TOWNSHIP VFR	\$22,699.68	O
20681	11/2/2020	775	CONVENIENT CAR CARE C	\$149.75	O
20682	11/2/2020	114	FRONEFIELD CRAWFORD. J	\$943.00	O
20683	11/2/2020	46	GALLS, LLC	\$47.89	O
20684	11/2/2020	176	GOOD FELLOWSHIP RELIEF	\$5,674.92	O
20685	11/2/2020	780	GUMBALL MEDIA,LLC\LAND	\$2,505.00	O
20686	11/2/2020	21	H. A. THOMSON	\$21,506.00	O
20687	11/2/2020	422	HARRY TILLMAN AUTOMOTI	\$217.98	O
20688	11/2/2020	1001755	MAJIC LANDSCAPES	\$1,709.00	O
20689	11/2/2020	178	PAGE EXCAVATING COMPA	\$7,325.00	O
20690	11/2/2020	29	PECO ENERGY	\$311.33	O
20691	11/2/2020	171	REILLY & SONS INC.	\$786.45	O

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04-Nov-20

From: 06-Oct-20 To: 02-Nov-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
20692	11/2/2020	507	ROTHWELL DOCUMENT SO	\$162.70	O
20693	11/2/2020	1002670	THOMAS CUSTOM BUILDER	\$1,500.00	O
20694	11/2/2020	23	VANDEMARK & LYNCH, INC.	\$7,536.49	O
20695	11/2/2020	214	WEST CHESTER FIREMENS	\$17,024.77	O
20696	11/2/2020	1002102	WIGGINS SHREDDING INC	\$140.00	O
Bank Total:				\$107,362.49	
Bank Account: 81 TRUMARK SEWER FUND					
10124	10/8/2020	164	PENNSYLVANIA ONE CALL	\$32.90	O
10125	10/8/2020	1001834	WM P MCGOVERN INC	\$423.00	O
10126	10/19/2020	586	VERIZON 450-748-892-0001-	\$61.07	O
10127	10/19/2020	1001834	WM P MCGOVERN INC	\$1,053.00	O
10128	11/2/2020	1002509	AQUA PA WW	\$1,310.62	O
10129	11/2/2020	80	AQUA PENNSYLVANIA	\$1,527.14	O
10130	11/2/2020	366	BUCKLEY, BRION, MCGUIRE	\$1,833.30	O
10131	11/2/2020	2	FREEDOM SYSTEMS	\$160.00	O
10132	11/2/2020	780	GUMBALL MEDIA, LLC\LAND	\$3,627.00	O
10133	11/2/2020	21	H. A. THOMSON	\$4,774.00	O
10134	11/2/2020	1002424	M & S SERVICE COMPANY I	\$975.00	O
10135	11/2/2020	29	PECO ENERGY	\$2,205.70	O
10136	11/2/2020	1002493	VERIZON 350-442-985-0001-	\$41.29	O
10137	11/2/2020	1002401	WALTON WATER SERVICES	\$6,024.35	O
10138	11/2/2020	574	WASTE MANAGEMENT OF S	\$207.26	O
10139	11/2/2020	1001834	WM P MCGOVERN INC	\$837.00	O
Bank Total:				\$25,092.63	
Total Of Checks:				\$132,455.12	