

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
DECEMBER 7, 2020**

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Scott Boorse via a recorded virtual meeting through Zoom in order to practice safe distancing during the COVID-19 crisis. Joining the meeting in virtual mode were Vice-Chairman Michael Shiring; Supervisor J. Daniel Hill; Township Solicitor Kristin Camp; Township Engineer Lisa Donlon; Substitute Secretary Judy Jensen; and Editor of Chadds Ford Live, Richard Schwartzman.

Supervisor Hill moved to approve the November 2nd minutes as written. Vice-Chairman Shiring seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment from November 3rd – December 7th. General Fund bills totaled \$67,011.95. Sewer Fund bills totaled \$42,633.69. Supervisor Hill seconded the motion and the bills were unanimously approved.

ORDINANCE HEARING ON TELECOMMUNICATIONS

Ms. Camp explained that the purpose of this Zoning Ordinance amendment was to remove regulations on small wireless facilities from the Zoning Ordinance and to adopt new regulations in a stand-alone ordinance which will be codified in a separate chapter in the Birmingham Code and to make the Zoning Ordinance consistent with recent changes in federal and state laws that regulate wireless communication facilities. Ms. Camp introduced the Board exhibits as the proof of publication of tonight's hearing in the *Daily Locals News*, the email sending the proposed ordinance to the Law Library and *Daily Local News*. She also mentioned that the Township Planning Commission recommended that the Board approve this amendment at its October 13, 2020 meeting and that the Chester County Planning Commission reviewed the Ordinance and recommended that the Board adopt the same in a letter to Quina Nelling dated November 12, 2020. Chairman Boorse asked if this ordinance was the stand-alone ordinance that regulated small wireless facilities and Ms. Camp explained that this first ordinance under consideration is a zoning amendment that refers to the stand-alone ordinance and that identifies the streets and locations where small wireless facilities 45 feet in height or less may be located by conditional use of the Board.

Vice Chairman Shiring made a motion to adopt Ordinance No. 2020-04; Chairman Boorse seconded the motion. There was no public comment submitted by the public and the motion passed.

ORDINANCE HEARING ON SETBACKS FOR ACCESSORY STRUCTURES & AMENDMENTS FOR SOLAR FACILITIES

Ms. Camp explained that the purpose of the second Zoning Ordinance amendment was to add a definition for lot line to address the situation where property boundaries go to the center line of a street. The Township had an application where an accessory structure was proposed to be built

in the rear yard and the setback was measured from the center of the road because the lot lines went to the center of the road, not the edge of the road. The ordinance would add a definition for lot line and add setback regulations for accessory structures in all zoning districts. It also adds new regulations for solar facilities in Section 122-105.8.

Ms. Camp introduced the Board exhibits as the proof of publication of tonight's hearing in the *Daily Locals News*, the email sending the proposed ordinance to the Law Library and *Daily Local News*. She also mentioned that the Township Planning Commission recommended that the Board approve this amendment at its October 13, 2020 meeting and that the Chester County Planning Commission reviewed the Ordinance and recommended that the Board adopt the same in a letter to Quina Nelling dated November 2, 2020. Chairman Boorse asked if there were any questions on the Ordinance and the Board members had none.

Vice Chairman Shiring made a motion to adopt Ordinance No. 2020-05; Chairman Boorse seconded the motion. There was no public comment submitted by the public and the motion passed.

ORDINANCE HEARING ON SMALL WIRELESS FACILITIES

Ms. Camp explained that given changes in federal and state law which regulate and encourage deployment of small wireless facilities, it is recommended that the Township adopt a new chapter in its Code to regulate those facilities that are installed within the right of ways in the Township. The ordinance identifies the purpose, defines terms used throughout, establishes an application process for obtaining a permit to install a small wireless facility, establishes fees and costs for the application, the time frame for review of the application and general design guidelines.

Ms. Camp introduced the Board exhibits as the proof of publication in the *Daily Local News*, the email sending the proposed ordinance to the Law Library and *Daily Local News*. She also mentioned that the Township Planning Commission recommended that the Board approve this amendment at its October 13, 2020 meeting.

Vice Chairman Shiring asked a question if the Ordinance could be adopted before the Resolution which establishes design guidelines and Ms. Camp explained that the Ordinance should be adopted first. Vice Chairman Shiring then made a motion to adopt Ordinance No. 2020-06; Chairman Boorse seconded the motion. There was no public comment submitted by the public and the motion passed.

RESOLUTION TO ADOPT DESIGN GUIDELINES FOR SMALL WIRELESS FACILITIES

Ms. Camp explained that the purpose of the Resolution is to establish guidelines for the aesthetics of small wireless facilities. Attached to the guidelines are examples of acceptable facilities and acceptable suggested locations.

Chairman Boorse made a motion to adopt Resolution 2020-1207; Vice Chairman Shiring seconded the motion. There was no public comment submitted by the public and the motion passed.

ANNOUNCEMENT OF EXECUTIVE SESSION ON WWTP AND 12/9 MEETING

Chairman Boorse noted that the Board of Supervisors met with outside counsel and Ms. Camp on November 12 to discuss issues related to the Wastewater Treatment Plant, located in Birmingham Township. Chairman Boorse also announced that the Board of Supervisors will conduct a special meeting on Wednesday, December 9th at 7:00 PM to discuss the possible sale of the Birmingham Township's public sewer system to Bucks County Water and Sewer Authority. During the meeting, the Bucks County Water and Sewer Authority will make a presentation and any questions regarding their RFP and RFQ will be addressed.

AUTHORIZE ADVERTISING FOR 2021 ROAD PROGRAM

At tonight's meeting, Township Engineer Lisa Donlon noted that advertisements for the 2021 Road Program will be made on Tuesday, January 5, 2021 and Friday, January 8, 2021. A non-mandatory pre-bid meeting will be held on January 12, 2021 at 10 AM via a virtual meeting. Bid opening will take place on Tuesday, January 26, 2021 at 4 PM and tentative award of the bid will occur at the February 1, 2021 Board of Supervisors meeting.

Chairman Boorse made a motion to approve the advertising schedule of the 2021 Road Program as presented by Township Engineer Lisa Donlon. Vice-Chairman Shiring seconded the motion, which was unanimously approved.

CREST DRIVE REPAIRS

Township Engineer Donlon said a sink hole has developed near a metal pipe on Crest Drive and an additional sink hole is starting to develop across the street from the pipe. She noted there are three options the Board could consider with regard to repair work:

- Base repair: Replace approximately 30 linear feet of pipe and complete needed concrete work. Estimated cost would be \$4,500.
- Add Alternate One: Replace part of the pipe to the piping across the street. Estimated cost would be \$3,000.
- Add Alternate Two: Replace the full length of the pipe. Estimated cost would be \$11,000.

After a discussion, the Supervisors agreed they would like to pursue the base repair option of \$4,500. If possible, they would also like to replace part of the pipe to the piping across the street (Add Alternate One).

Chairman Boorse made a motion to authorize Lisa Donlon of Vandemark & Lynch to work with an outside contractor to repair the sink hole on Crest Drive and replace part of the pipe (Base

repair and Alternate One). The cost of the project shall not exceed \$10,000. Vice-Chairman Shiring seconded the motion, which was unanimously approved.

Ms. Donlon also noted that there is an area of washout on Meetinghouse Road near Creek Road. The area needs additional stone installed. She said that if a contractor is working on Crest Drive, extra stone could be added at the washout area while the contractor is working in the Township, at a cost of between \$300 and \$500. Chairman Boorse agreed that the repair of the washout area could be completed during the work on Crest Drive.

ADOPTION OF FINAL 2021 BUDGET

The preliminary 2021 budget was advertised for public inspection on November 5th in the Daily Local News. Sect./Treas. Quina Nelling has updated the 2020 projected revenues, expenditures and carry forward into 2021 to include the receipts and payment to the Brandywine Conservancy for the Vision Partnership Grant.

The final budget for 2021 is as follows:

2021 General Fund Revenues - \$2,231,953. (includes a carry forward of \$897,533.)

2021 General Fund Expenditures - \$1,658,479.

2022 General Fund Carry Forward -\$573,474.

2021 Millage Rate remains constant @ 1.6 mills

2021 Sewer Fund Revenues - \$747,071. (includes a carry forward of \$317,951.)

2021 Sewer Fund Expenditures - \$471,599.

2022 Sewer Fund Carry Forward - \$275,472.

2021 Sewer Rent remains constant @ \$165./edu/quarter

Chairman Boorse made a motion to adopt the 2021 Township Budget as presented at tonight's meeting. Supervisor Hill seconded the motion, which was unanimously approved.

PUBLIC COMMENT

There was no public comment from the public at tonight's meeting.

The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Judy Jensen
Administrative Assistant

Check Register**BIRMINGHAM TOWNSHIP**

05-Jan-21

From: 03-Nov-20 To: 07-Dec-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
20697	11/16/2020	11	21ST CENTURY MEDIA - PHI	\$96.98	O
20698	11/16/2020	80	AQUA PENNSYLVANIA	\$2,404.98	O
20699	11/16/2020	1002671	CARISMA	\$225.00	O
20700	11/16/2020	1002343	CHES.CO.TREASURER OFFI	\$819.08	V
20701	11/16/2020	1002121	CLEVENS K-9 SCOOP LLC	\$234.95	O
20702	11/16/2020	775	CONVENIENT CAR CARE C	\$179.70	O
20703	11/16/2020	46	GALLS, LLC	\$42.93	O
20704	11/16/2020	422	HARRY TILLMAN AUTOMOTI	\$968.86	O
20705	11/16/2020	711	JUDY JENSEN	\$40.58	O
20706	11/16/2020	30	PECO ENERGY (TRAFFIC LI	\$63.44	O
20707	11/16/2020	171	REILLY & SONS INC.	\$389.66	O
20708	11/16/2020	811	S & S CLEANING SERVICE	\$388.00	O
20709	11/16/2020	61	VERIZON 753-804-167-0001-	\$362.73	O
20710	11/16/2020	1001881	YIS/COWDEN GROUP INC	\$115.00	O
20711	11/30/2020	517	INDEPENDENCE BLUE CRO	\$5,400.47	O
20712	11/30/2020	205	PARKWAY DRY CLEANERS,	\$148.55	O
20713	11/30/2020	51	TREASURER CHESTER CO	\$819.08	O
20714	11/30/2020	424	UNITED STATES POSTAL S	\$640.00	O
20715	11/30/2020	1002154	VERIZON 250-441-074-0001-	\$62.36	O
20716	11/30/2020	1001913	VERIZON WIRELESS 722423	\$187.65	O
20717	12/7/2020	11	21ST CENTURY MEDIA - PHI	\$921.75	O
20718	12/7/2020	1001926	AJ BLOSENSKI, INC.	\$170.80	O
20719	12/7/2020	80	AQUA PENNSYLVANIA	\$2,473.05	O
20720	12/7/2020	372	BRANDYWINE CONSERVAN	\$10,106.25	O
20721	12/7/2020	79	BRANDYWINE VALLEY SPC	\$112.55	O
20722	12/7/2020	366	BUCKLEY,BRION,MCGUIRE	\$6,627.20	O
20723	12/7/2020	873	CARDMEMBER SERVICE	\$705.47	O
20724	12/7/2020	1002494	CIVICPLUS	\$2,199.49	O
20725	12/7/2020	1002121	CLEVENS K-9 SCOOP LLC	\$247.00	O
20726	12/7/2020	1001902	COMCAST CABLE	\$138.39	O
20727	12/7/2020	775	CONVENIENT CAR CARE C	\$179.70	O
20728	12/7/2020	1002011	FRANCOTYP-POSTALIA INC	\$237.00	O
20729	12/7/2020	2	FREEDOM SYSTEMS	\$1,206.75	O
20730	12/7/2020	114	FRONEFIELD CRAWFORD. J	\$676.50	O
20731	12/7/2020	46	GALLS, LLC	\$637.06	O
20732	12/7/2020	289	GENERAL CODE PUBLISHE	\$1,195.00	O
20733	12/7/2020	780	GUMBALL MEDIA,LLC\LAND	\$3,937.00	O
20734	12/7/2020	21	H. A. THOMSON	\$1,934.00	O

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From: 03-Nov-20 To: 07-Dec-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
20735	12/7/2020	27	H. A. WEIGAND INC.	\$234.00	O
20736	12/7/2020	422	HARRY TILLMAN AUTOMOTI	\$137.97	O
20737	12/7/2020	83	INTERNATIONAL CODE COU	\$145.00	O
20738	12/7/2020	711	JUDY JENSEN	\$1,520.00	O
20739	12/7/2020	1001755	MAJIC LANDSCAPES	\$1,759.00	O
20740	12/7/2020	1002526	MCDONALD UNIFORM CO., I	\$662.93	O
20741	12/7/2020	1002053	MICHAEL J HOCHHAUS	\$250.00	O
20742	12/7/2020	3	PA TWP HEALTH INS COOP	\$5,289.36	O
20743	12/7/2020	30	PECO ENERGY (TRAFFIC LI	\$12.82	O
20744	12/7/2020	171	REILLY & SONS INC.	\$1,070.93	O
20745	12/7/2020	811	S & S CLEANING SERVICE	\$388.00	O
20746	12/7/2020	26	SIGNAL SERVICE INC.	\$3,663.00	O
20747	12/7/2020	1001833	STAPLES BUSINESS ADVAN	\$189.06	O
20748	12/7/2020	1002392	TRI-COUNTY PEST CONTRO	\$100.00	O
20749	12/7/2020	23	VANDEMARK & LYNCH, INC.	\$3,582.19	O
20750	12/7/2020	61	VERIZON 753-804-167-0001-	\$362.73	O
20751	12/7/2020	1001834	WM P MCGOVERN INC	\$350.00	O
Bank Total:				\$67,011.95	
Bank Account: 81 TRUMARK SEWER FUND					
10140	11/16/2020	798	PA ONE CALL SYSTEM,INC.	\$56.70	O
10141	11/16/2020	586	VERIZON 450-748-892-0001-	\$61.92	O
10142	11/16/2020	1001834	WM P MCGOVERN INC	\$1,053.00	O
10143	12/7/2020	1002509	AQUA PA WW	\$1,310.62	O
10144	12/7/2020	80	AQUA PENNSYLVANIA	\$1,610.20	O
10145	12/7/2020	1002659	ARRO CONSULTING, INC	\$11,443.69	O
10146	12/7/2020	366	BUCKLEY,BRION,MCGUIRE	\$2,854.75	O
10147	12/7/2020	1001859	COYNE CHEMICAL	\$3,713.25	O
10148	12/7/2020	2	FREEDOM SYSTEMS	\$804.50	O
10149	12/7/2020	780	GUMBALL MEDIA,LLC/LAND	\$4,185.00	O
10150	12/7/2020	1001755	MAJIC LANDSCAPES	\$468.00	O
10151	12/7/2020	1002691	OBERMAYER	\$2,595.00	O
10152	12/7/2020	798	PA ONE CALL SYSTEM,INC.	\$38.50	O
10153	12/7/2020	1002392	TRI-COUNTY PEST CONTRO	\$60.00	O
10154	12/7/2020	1002493	VERIZON 350-442-985-0001-	\$40.95	O
10155	12/7/2020	1002401	WALTON WATER SERVICES	\$8,563.60	O
10156	12/7/2020	574	WASTE MANAGEMENT OF S	\$207.76	O
10157	12/7/2020	821	WILLIAM J KIRKPATRICK	\$250.00	O
10158	12/7/2020	1001834	WM P MCGOVERN INC	\$3,316.25	O
Bank Total:				\$42,633.69	
Total Of Checks:				\$109,645.64	