

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
JUNE 7, 2021**

The regular meeting of the Board of Supervisors was called to order at 7:35 PM by Chairman Scott Boorse via a recorded virtual meeting through Zoom in order to practice safe distancing during the COVID-19 crisis. Also in attendance at the Township Building with Chairman Boorse were Secretary/Treasurer Quina Nelling and Police Chief Thomas Nelling. Participating in the meeting in virtual mode were Vice-Chairman Michael Shiring; Supervisor J. Daniel Hill; and Township Solicitor Kristin Camp.

Vice-Chairman Shiring moved to approve the May 3, 2021 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. General Fund bills totaled \$138,603.60. Sewer Fund bills totaled \$40,335.34. State Fund Check #193 was approved for payment to Innovative Constructions Services, Inc. for \$94,453.00 for the 2021 Road Program. Chairman Boorse seconded the motion and the bills were unanimously approved.

HARB REPORT

PARSONS – 1045 SQUIRE CHEYNEY – STORAGE SHED AND DRIVEWAY EXPANSION

At its meeting on May 18th, HARB recommended that a certificate of appropriateness be issued to Kevin & Lisa Parsons, 1045 Squire Cheyney Dr., to add a 10'x16' storage shed and driveway extension to house three additional cars. Materials for the storage shed include: Siding – Natural cedar shake; Roof – Natural cedar shake; Gutters – Copper; Shutters – Each at least 12" wide, HardiePlank, color Boothbay Blue; and Weathervane and Cupola – Copper. HARB reviewed the application and determined that it is in compliance with the HARB guidelines.

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

HARB MATERIAL CHANGES

HARB has recommended some changes to materials in its guidelines in an effort to catch up with technology. Solicitor Camp will prepare an ordinance for consideration by the Board to incorporate the recommended changes to the Appendix of the Code.

HARB BOUNDARY

HARB has recommended that the HARB boundary be changed along Birmingham Road where the Knolls of Birmingham development is located. There has been some discrepancy in the mapping over the years and a 300' boundary was mapped at 500'. In order to go back to the original intention for the boundary, HARB is recommending a map change to the HARB boundary from 500' to 300' adjunct to the Knolls of Birmingham development. The mapping is being reviewed by Chairman Boorse and the Township Solicitor.

ZONING HEARING BOARD (ZHB) APPLICATIONS

The ZHB is meeting on June 16th @ 7 PM to consider four applications.

KOBER – 1328 CREST DRIVE – VARIANCE FOR DECK

Kelly and Cathy Kober are requesting a variance from Sections 122- 28F of the Township Code (location of accessory buildings and structures) and 122-92 (projects into required yards) in order to construct a deck. Mr. Kober said that the ZHB approved the demolition of the deck and the construction of a sunroom in January. They are now ready to rebuild the deck and need ZHB approval. They will be removing their porch door and re-aligning it so it matches the line of the sunroom. The deck will be lower but 10' longer. It will be angled towards their neighbors and parallel to the property line.

Chairman Boorse moved to defer to the expertise of the Zoning Hearing Board to render an appropriate decision after reviewing the testimony received at the hearing. Vice-Chairman Shiring seconded the motion which was unanimously approved.

TIERNEY – 1009 RADLEY DRIVE – VARIANCE FOR PORCH, PATIO, DECK, SHED

Dan & Sherry Tierney are requesting variances from the Township Code: Section 122-24.C (lot coverage); 122-24.D (front yard setback); 122-24.F (rear yard setback); 122-24.G (accessory building located in the front yard); 122-24.1 (green space); and 122-92 (projections into required yards) in order to construct a porch, patio, open deck area, and shed on their property.

Mr. Tierney said that the home became non-conforming after it was built. The property is zoned R-1 (2 acres). The lot is .713 acres. They just purchased the home and are looking to enhance the property with a wrap-around porch and extend the deck and patio. A shed is being proposed for storage for lawn equipment and play equipment for their children.

Chairman Boorse moved to defer to the expertise of the Zoning Hearing Board to render an appropriate decision after reviewing the testimony received at the hearing. Supervisor Hill seconded the motion which was unanimously approved.

HISSEY – 1007 LAKEVIEW DRIVE – VARIANCE FOR HOME RENOVATIONS

Allison and David Hissey are requesting variances from Sections 122-24.C (lot coverage) and 122-24.I (green space) of the Township Code in order to permit a renovation of their home. Ali Hissey said that their lot is zoned R-1 (2 acres) and is non-conforming. The lot size is .98 acres. Existing impervious coverage is 13%. The patio will be located on the right side of their property which backs up to the Bedwell property.

Vice-Chairman Shiring moved to defer to the expertise of the Zoning Hearing Board to render an appropriate decision after reviewing the testimony received at the hearing. Chairman Boorse seconded the motion which was unanimously approved.

SIMONIK – 1135 DORSET DRIVE – VARIANCE FOR SWIMMING POOL

Viviana Simonik is requesting a variance from Sections 122-24.C (lot coverage) and 122-24.I (green space) of the Township Code in order to construct a swimming pool on her property. Ms.

Simonik said the swimming pool will be 16 x 27 and the impervious cover being proposed is 14.7%. The swimming pool will be used as therapy for a special needs child.

Chairman Boorse moved to defer to the expertise of the Zoning Hearing Board to render an appropriate decision after reviewing the testimony received at the hearing. Supervisor Hill seconded the motion which was unanimously approved.

POLICE PERSONNEL

Upon the recommendation of Chief Nelling, Chairman Boorse moved to raise the rates of the newly hired part-time police officers, McCardle and Lutte, from the training rate of \$21.50/hr. to the solo patrol rate of \$23.00/hr. effective June 7, 2021. Vice-Chairman Shiring seconded the motion which was unanimously approved.

2021 AUDIT

BBD, LLP has provided the Township with a proposal for the 2021 Audit. The rate will remain the same at \$5,000.00. Sect./Treas. Nelling noted that even though the same firm has done the audit there have been three different individuals from the firm that have performed the audit so there have been different sets of eyes on the books. Chairman Boorse moved to authorize advertising to consider a resolution to appoint BBD, LLP to perform the 2021 Audit. Supervisor Hill seconded the motion which was unanimously approved.

COVID-19 RESTRICTIONS

Chairman Boorse stated that the Township Office has been closed since April 2020 because of the Covid-19 pandemic.. After discussion with the Township staff, and in following the State and CDC guidelines, the Township Building will re-open to the public on Tuesday, June 8th for applications as well as in-person meetings. The various township committees have been polled and they are all in favor of re-opening to in-person meetings. Masks are required for those not vaccinated but are not mandated for individuals who are vaccinated. The meeting room will be set up with a 6' distance from the table to the chairs in the front row as well as between the chairs in the room. The capacity of the room following the distancing guidelines will be 16' – 20'. Zoom meetings will be discontinued.

TOWNSHIP CODE

General Code Publishers handled the codification of the Township's ordinances. They are suggesting that the Township consider an editorial and legal analysis of the Code in order to identify contradictions in the legislation; identify outdated provisions; and ensure compliance with state law. The proposal for a comprehensive recodification is \$13,500.

Vice-Chairman Shiring indicated that the Township Solicitor is supportive of this analysis.

Chairman Boorse moved to accept the proposal from General Code Publishers for \$13,500. in order to recodify the Township's Code book. Vice-Chairman Shiring amended the motion to include that the Board will decide when the process will begin with the expectation that it will be in this calendar year. The motion was approved as amended with all in favor.

PUBLIC COMMENT

Jarl Mork, Brinton's Bridge Road resident, said he had e-mailed the Board on May 25th asking the Board to take a position on the Crebilly Farm development being proposed in Westtown Township and that it be reduced to half the size being proposed. Toll Brothers is proposing to build 106 new townhouses off of Tigie Road and 317 at Crebilly, for a total of 423 new units. Assuming a two car movement/day, this will add 846 new car movements/day on the roads in the area in addition to trash and delivery trucks. The full impact on the Birmingham residents with traffic; the increase burden to the police department; and the cost to the residents is not fully known.

Chairman Boorse said that the Township has hired legal counsel to attend the hearings on the Crebilly Farm development and the Board has been kept apprised of the proceedings and has presented testimony on traffic concerns.

Vice-Chairman Shiring said that his legal firm represents the applicant so he cannot take a position on the development.

Nick Ridgely, Crescent Drive, said that there are corrugated pipes under Knolls Road that carry run-off water to the pond in the Knolls of Birmingham open space. The HOA for the development has contracted with Metz Engineering, a civil engineering firm that specializes in drainage and remediation. The HOA is considering rip-rap repair to the inlets and outlets which doesn't make sense if the pipes are compromised so the HOA wants to backwash and televise the pipes. The HOA is asking the Township to consider mapping out the pipes and determine what percentage is in the Township right-of-way and what percentage is the responsibility of the Knolls HOA and each party would be responsible for their associated cost.

Chairman Boorse said that the Township has plans to video and evaluate the condition of all the pipes in the Township right-of-way in the Knolls of Birmingham and Birmingham Hunt developments. This project can be paid for with the Covid-19 ARPA relief funds but the work cannot start until the funds have been provided. Also, any changes to inflows and outflows would have to be identified and documented by the Township as part of the MSIV NPDES permitting requirements. The Township also has specific guidelines that have to be followed on the project with bidding and prevailing wage.

Mr. Ridgely asked that the Knolls HOA to be included in the process.

The meeting was adjourned at 8:28 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

13-Jul-21

From: 04-May-21 To: 07-Jun-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
20962	5/5/2021	9	BRUCE E MAPES, PHD	\$200.00	O
20963	5/5/2021	1002121	CLEVENS K-9 SCOOP	\$228.00	O
20964	5/5/2021	46	GALLS, LLC	\$339.82	O
20965	5/5/2021	29	PECO ENERGY	\$434.66	O
20966	5/13/2021	80	AQUA PENNSYLVANIA	\$2,404.98	O
20967	5/13/2021	366	BUCKLEY,BRION,MCGUIRE	\$2,275.50	O
20968	5/13/2021	775	CONVENIENT CAR CARE C	\$419.70	O
20969	5/13/2021	114	FRONEFIELD CRAWFORD. J	\$820.00	O
20970	5/13/2021	21	H. A. THOMSON	\$5,777.50	O
20971	5/13/2021	422	HARRY TILLMAN AUTOMOTI	\$112.99	O
20972	5/13/2021	1002573	NMS LABS	\$550.00	O
20973	5/13/2021	30	PECO ENERGY (TRAFFIC LI	\$51.15	O
20974	5/13/2021	171	REILLY & SONS INC.	\$895.50	O
20975	5/13/2021	811	S & S CLEANING SERVICE	\$388.00	O
20976	5/13/2021	1002724	SAFARILAND LLC	\$725.00	O
20977	5/13/2021	226	SIRCHIE FINGER PRINT LAB	\$144.92	O
20978	5/13/2021	23	VANDEMARK & LYNCH, INC.	\$7,015.04	O
20979	6/1/2021	517	INDEPENDENCE BLUE CRO	\$4,226.56	O
20980	6/1/2021	1002052	JENNIFER A BOORSE	\$500.00	O
20981	6/1/2021	1002721	MELISSA URBANY	\$100.00	O
20982	6/1/2021	3	PA TWP HEALTH INS COOP	\$284.90	O
20983	6/1/2021	1001913	VERIZON WIRELESS 722423	\$188.67	O
20984	6/7/2021	1001926	AJ BLOSENSKI, INC.	\$170.80	O
20985	6/7/2021	557	ALL SEASONS LANDSCAPIN	\$965.03	O
20986	6/7/2021	80	AQUA PENNSYLVANIA	\$2,472.01	O
20987	6/7/2021	366	BUCKLEY,BRION,MCGUIRE	\$1,373.50	O
20988	6/7/2021	873	CARDMEMBER SERVICE	\$372.76	O
20989	6/7/2021	1002121	CLEVENS K-9 SCOOP	\$285.00	O
20990	6/7/2021	1001902	COMCAST CABLE	\$138.39	O
20991	6/7/2021	70	CONCORD AUTO BODY, INC	\$453.75	O
20992	6/7/2021	775	CONVENIENT CAR CARE C	\$329.65	O
20993	6/7/2021	1002606	CRYSTAL SPRINGS	\$30.64	O
20994	6/7/2021	585	EMERGENCY SYSTEMS SE	\$837.85	O
20995	6/7/2021	1002011	FRANCOTYP-POSTALIA INC	\$237.00	O
20996	6/7/2021	1001930	FRY COMMUNICATIONS, IN	\$87.00	O
20997	6/7/2021	46	GALLS, LLC	\$133.52	O
20998	6/7/2021	933	GARNET AUTOMOTIVE GRO	\$1,971.22	O
20999	6/7/2021	1002735	GARY SUMMERS	\$4,099.72	O

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13-Jul-21

From: 04-May-21 To: 07-Jun-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
21000	6/7/2021	780	GUMBALL MEDIA/LAND ART	\$3,240.00	O
21001	6/7/2021	21	H. A. THOMSON	\$647.00	O
21002	6/7/2021	422	HARRY TILLMAN AUTOMOTI	\$208.98	O
21003	6/7/2021	6	INNOVATIVE CONSTRUCTIO	\$20,775.00	O
21004	6/7/2021	870	JACKSON-HIRSH,INC	\$91.84	O
21005	6/7/2021	1001755	MAJIC LANDSCAPES	\$1,910.00	O
21006	6/7/2021	1002053	MICHAEL J HOCHHAUS	\$250.00	O
21007	6/7/2021	1001910	NEW HOLLAND FORD ISUZ	\$53,816.00	O
21008	6/7/2021	3	PA TWP HEALTH INS COOP	\$1,347.36	O
21009	6/7/2021	29	PECO ENERGY	\$352.60	O
21010	6/7/2021	30	PECO ENERGY (TRAFFIC LI	\$66.11	O
21011	6/7/2021	171	REILLY & SONS INC.	\$1,832.94	O
21012	6/7/2021	811	S & S CLEANING SERVICE	\$388.00	O
21013	6/7/2021	542	TRITECH SOFTWARE SYST	\$2,343.60	O
21014	6/7/2021	1002734	U. S. ARMOR	\$2,204.32	O
21015	6/7/2021	23	VANDEMARK & LYNCH, INC.	\$6,719.19	O
21016	6/7/2021	61	VERIZON 753-804-167-0001-	\$369.93	O
Bank Total:				\$138,603.60	

Bank Account: 81 TRUMARK SEWER FUND

10239	5/5/2021	29	PECO ENERGY	\$2,506.38	O
10240	5/13/2021	366	BUCKLEY,BRION,MCGUIRE	\$1,025.00	O
10241	5/13/2021	661	COMMONWEALTH OF PENN	\$500.00	O
10242	5/13/2021	1002691	OBERMAYER	\$11,945.07	O
10243	5/13/2021	798	PA ONE CALL SYSTEM,INC.	\$37.23	O
10244	5/13/2021	586	VERIZON 450-748-892-0001-	\$66.57	O
10245	5/13/2021	1001834	WM P MCGOVERN INC	\$423.00	O
10246	6/7/2021	1002509	AQUA PA WW	\$1,350.14	O
10247	6/7/2021	80	AQUA PENNSYLVANIA	\$168.32	O
10248	6/7/2021	1002659	ARRO CONSULTING, INC	\$2,624.25	O
10249	6/7/2021	366	BUCKLEY,BRION,MCGUIRE	\$1,783.50	O
10250	6/7/2021	1001859	COYNE CHEMICAL	\$2,514.19	O
10251	6/7/2021	780	GUMBALL MEDIA/LAND ART	\$3,410.00	O
10252	6/7/2021	1001755	MAJIC LANDSCAPES	\$300.00	O
10253	6/7/2021	798	PA ONE CALL SYSTEM,INC.	\$32.85	O
10254	6/7/2021	29	PECO ENERGY	\$2,386.77	O
10255	6/7/2021	1002493	VERIZON 350-442-985-0001-	\$42.40	O
10256	6/7/2021	1002401	WALTON WATER SERVICES	\$6,505.38	O
10257	6/7/2021	574	WASTE MANAGEMENT OF S	\$218.29	O
10258	6/7/2021	821	WILLIAM J KIRKPATRICK	\$250.00	O

Check Register

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13-Jul-21

From: 04-May-21 To: 07-Jun-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
10259	6/7/2021	1001834	WM P MCGOVERN INC	\$2,246.00	O
Bank Total:				\$40,335.34	
Total Of Checks:				\$178,938.94	