

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

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Boorse with the pledge of allegiance. A quorum of Supervisors was declared.

Scott Boorse	-	Chairman
Michael Shiring	-	Vice-Chairman
J. Daniel Hill	-	Supervisor
Thomas Nelling	-	Chief of Police

Solicitor Kristin Camp was not in attendance for the meeting.

Vice-Chairman Shiring moved to approve the August 2, 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 \$129,125.47. Sewer Fund bills totaled \$6,648.68. State Fund Check #194 for \$1,230.00 was approved for payment to Innovative Construction Services for the 2021 Road Program. Supervisor Hill seconded the motion and the bills were unanimously approved.

**WEST CHESTER PUBLIC LIBRARY**

Victoria Dow, Executive Director, and Fredda Maddox, Board Member and Township resident, joined the meeting to thank the Board for this year's contribution to the Library of \$2,104.00, which is \$.50/Township resident. Ms. Maddox asked the Board to maintain that funding level in 2022. She noted that half of the Township's residents are subscribers to the Library.

Ms. Dow added that the County has increased contributions to its member libraries. She presented copies of the Library's annual report to the Board members.

Ms. Dow informed the Board e-books is an excellent project that can be paid for with ARPA funds provided to the Township. Overdrive is the e-book platform used by the Library and purchases must be made between June 2021 and September 2022. If ARPA funds were given to the Library by the townships they would be used to predominantly purchase e-books for elementary and secondary school age children via Overdrive. E-books are still used quite heavily by many who do not want to enter the Library. E-Books are much more expensive than print books.

The Library is very selective in book donations, only taking in new fiction books.

**ZONING HEARING BOARD (ZHB)**

**PENN OAKS ENTERPRISES, 1305 WILMINGTON PIKE**

The ZHB will be meeting on October 20<sup>th</sup> to consider an application from Penn Oaks HP Enterprises LP, 1305 Wilmington Pike, for two variances. The plan is for a three-story building

containing approximately 31,292 square feet, which will be used for a combination of commercial retail/office uses. The maximum height of a building permitted in the C-2 District is three stories or 35 feet. The applicant is requesting a variance from Section 122-50 of the Code to permit the maximum height of the building to be 47 feet. The additional height will allow for space to accommodate modern floor to ceiling heights and other architectural design features. The second variance request is from Section 122-97.A of the Code to permit portions of the proposed building and improvements to be located within areas of steep slopes that exceed 25%.

Jim Oeste, owner, Alyson Zarro, legal counsel with Riley, Riper, and Steve Sauselein, Engineer with E.B. Walsh and Associates, were present to get input from the Board on the application.

Ms. Zarro said that the lot at 1305 Wilmington Pike is vacant. A sketch plan of the proposal had been presented to the Planning Commission early 2020. Ms. Zarro presented the plan to the Board.

Mr. Sauselein said that there is .33 acres of slopes on the property. The total parcel is 3.099 acres. Steep slopes have been consistent in his research of the properties along the Rt. 202 Corridor. The lot is partially wooded. The center of the property cannot be developed without disturbing the slopes. Existing erosion is occurring at the bottom of the slopes. Retaining walls and permanent established vegetation will stabilize the slopes. All run-off will be handled internally and will be returned to the aquifer. The grade disturbance will be within the property limits. The back retaining wall will be four feet in height and runs with the contours of the property. The retaining wall along the southern edge with the adjacent CJ Tires property will go from 0 – 12' and follow the grades of the property.

Supervisor Hill asked about parking requirements. Mr. Sauselein said that there are 115 spaces proposed with 108 required by ordinance.

With regards to the 47' height variance, Ms. Zarro said that the height variance has been overestimated using an abundance of caution. The 47' includes the pointed architectural features of the building rather than having a flat roof.

Mr. Oeste said that Allied Properties, owner of the property, will use the top floor of the building with businesses and retail on the first and second floors. More than 10' per floor is needed to accommodate mechanicals; duct work, and fire protection. The top wall will hide the mechanicals which drop the ceilings 2 – 3'. There are stair towers proposed on each end of the building. The first floor will be 14'; the second and third floors 13' each. A standard finished retail space is between 9 and 9 ½ feet, but the tenants and their needs are unknown. The top of the structure is very close to 35', being close to 37.2', not including the parapet wall and the architectural peaks, which Ms. Zarro feels are exempt from the height calculations.

Chairman Boorse questioned the need for a three story building. Mr. Oeste explained that due to the cost of the building, as many tenants as possible is desired.

Chairman Boorse said that a 39' building is more palatable than a 47' building. The Board has been very strict about adhering to the 35' height requirement on the Rt. 202 corridor. He questioned how a structure of this size would sit on the property.

Chairman Boorse moved to take a non-position on the slope variance request and to defer to the expertise of the ZHB but to oppose the 47' height variance requirement. Supervisor Hill seconded the motion. Vice-Chairman Shiring abstained from voting and recused himself as he is a partner in the firm of Riley, Riper. The motion was carried with two in favor and one abstention. Chairman Boorse said he would be willing to entertain a proposal with a lower height for the building.

Ms. Zarro will look at the height requirements for the proposed building and also get a ruling from the Township's Zoning Officer on the architectural exemptions.

### **HARB REPORT**

#### **BERTINATTI, 1013 RADLEY DRIVE, STUCCO TO SIDING**

At its meeting on August 17<sup>th</sup>, HARB recommended approval of a Certificate of Appropriateness for John & Evelyn Bertinatti, 1013 Radley Drive, for the replacement of the existing stucco and cedar siding with Everlast siding and trim. The siding will be Everlast, 6 7/8", color Chestnut; the trim will be Everlast Natural White; the door sidelights and the garage doors will be either the same red as the front door or white; the Soffits will be white and the gutters will be a similar shade to the Everlast Chestnut.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for 1013 Radley Drive as recommended by HARB. Supervisor Hill seconded the motion and it was unanimously approved.

### **HISTORICAL COMMISSION (HC) REPORT**

#### **HOPLAMAZIAN, 1120 MEETINGHOUSE ROAD, BARN RENOVATION**

At its meeting on August 24<sup>th</sup>, the HC moved to recommend approval of the plan presented by Vaughn Hoplamazian, 1120 Meetinghouse Road, and HR #63, for renovations to the existing barn. The plan was drawn by Engle Architects. King Construction Company will be the contractor for the project. Schematics were presented to the Board. Mr. Hoplamazian explained that the profile of the barn will be reduced from 27' to 24' and it will be more rectangular. The same wood will be used on the barn, not Hardie board. The barn is being renovated to hold a wedding for his daughter and then to store his collection of old cars.

Vice-Chairman Shiring moved to approve the barn renovation for 1120 Meetinghouse Road as recommended by the HC, and pursuant to the material choices presented to the HC. Chairman Boorse seconded the motion which was unanimously approved.

### **SNOW REMOVAL BIDS 2021-2022 SEASON**

It was duly advertised in the Daily Local News on August 5<sup>th</sup> and 12<sup>th</sup> that bids for snow removal for the 2021 – 2022 season would be opened at tonight's meeting. One bid was received which was from Page Excavating, Inc. of Penns Grove. Chairman Boorse compared the rates to last year's bid. The labor rate remains at \$55./hr. but most of the hourly rates for the equipment

increased \$20./hr. Chairman Boorse moved to accept the bid from Page Excavating for the 2021-2022 snow removal season. Vice-Chairman Shiring seconded the motion and the bid was unanimously approved.

### **RESOLUTION TO APPOINT BBD, LLP AS AUDITOR FOR 2021**

The consideration of the appointment of the certified public accounting firm of BBD, LLP for the preparation of the 2021 audit was duly advertised in the Daily Local News on June 23<sup>rd</sup>.

Vice-Chairman Shiring moved to approve Resolution #2021-0907 to appoint the certified public accounting firm of BBD, LLP to make an examination of all Township accounts for the fiscal year 2021 and to prepare a report to the Board on such accounts for a fee of \$5,000. Chairman Boorse seconded the motion which was unanimously approved.

### **PERSONNEL**

#### **POLICE**

Full-time Police Officer John Freas is moving to a part-time position by the end of the year. As recommended by Chief Nelling, Chairman Boorse moved that part-time Officer Andrew DiPaolo be promoted to a full-time position effective September 20, 2021 at the full-time rate of \$27.20/hr., with medical, dental, life, disability and pension benefits provided. Vice-Chairman Shiring seconded the motion which was unanimously approved.

#### **OFFICE**

Prior to tonight's meeting, the Supervisors interviewed Lisa Taraba of West Grove, for the Administrative Position in the Township Office, as recommended by Secretary/Treasurer Nelling. Chairman Boorse moved to hire Lisa Taraba as the Administrative Assistant for the Township Office effective September 20, 2021; at the rate of \$25.00/hr. Vice-Chairman Shiring seconded the motion which was unanimously approved.

### **MMO'S FOR POLICE 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 plans expected financial obligations for the coming year. This must be done by the last business day of September each year.

The calculation of the 2022 plan costs, or the MMO, required an estimate of the 2021 W-2 wages of the employees covered by the plan.

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

If there were any plan costs they would be offset by State Aid for municipal pensions, to which the Township is entitled under Act 205.

### **PUBLIC COMMENT**

There was no public comment.

The meeting was adjourned at 8:36 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

05-Oct-21

From: 03-Aug-21 To: 07-Sep-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 11 TRUMARK GENERAL FUND</b>					
21089	8/10/2021	80	AQUA PENNSYLVANIA	\$2,430.84	O
21090	8/10/2021	79	BRANDYWINE VALLEY SPC	\$344.40	O
21091	8/10/2021	1002736	CIOCCA CHEVROLET OF W	\$1,891.84	O
21092	8/10/2021	1002121	CLEVENS K-9 SCOOP	\$228.00	O
21093	8/10/2021	1001902	COMCAST BUSINESS	\$138.39	O
21094	8/10/2021	70	CONCORD AUTO BODY, INC	\$1,255.90	O
21095	8/10/2021	775	CONVENIENT CAR CARE C	\$209.65	O
21096	8/10/2021	114	FRONEFIELD CRAWFORD. J	\$861.00	O
21097	8/10/2021	46	GALLS, LLC	\$26.81	O
21098	8/10/2021	798	PA ONE CALL SYSTEM,INC.	\$27.01	O
21099	8/10/2021	29	PECO ENERGY	\$427.80	O
21100	8/10/2021	30	PECO ENERGY (TRAFFIC LI	\$58.36	O
21101	8/10/2021	75	RJCRAIG GRAPHICS & DESI	\$353.85	O
21102	8/10/2021	811	S & S CLEANING SERVICE	\$388.00	O
21103	8/10/2021	23	VANDEMARK & LYNCH, INC.	\$630.50	O
21104	8/23/2021	11	21ST CENTURY MEDIA - PHI	\$143.60	O
21105	8/23/2021	1001926	AJ BLOSENSKI, INC.	\$170.80	O
21106	8/23/2021	775	CONVENIENT CAR CARE C	\$179.70	O
21107	8/23/2021	422	HARRY TILLMAN AUTOMOTI	\$52.99	O
21108	8/23/2021	517	INDEPENDENCE BLUE CRO	\$4,226.56	O
21109	8/23/2021	1002721	MELISSA URBANY	\$400.00	O
21110	8/23/2021	1002756	PATRIOT WORKWEAR	\$1,877.00	O
21111	8/23/2021	171	REILLY & SONS INC.	\$830.58	O
21112	8/23/2021	26	SIGNAL SERVICE INC.	\$150.00	O
21113	8/23/2021	1001833	STAPLES BUSINESS ADVAN	\$55.08	O
21114	8/23/2021	311	WILLIAMSON LAW BOOK C	\$271.60	O
21115	9/7/2021	11	21ST CENTURY MEDIA - PHI	\$629.08	O
21116	9/7/2021	1002769	ALLISON & DAVID HISSEY	\$635.90	O
21117	9/7/2021	80	AQUA PENNSYLVANIA	\$145.49	O
21118	9/7/2021	1002659	ARRO CONSULTING, INC	\$16,260.44	O
21119	9/7/2021	366	BUCKLEY,BRION,MCGUIRE	\$6,232.00	O
21120	9/7/2021	873	CARDMEMBER SERVICE	\$720.57	O
21121	9/7/2021	1002121	CLEVENS K-9 SCOOP	\$285.00	O
21122	9/7/2021	1001902	COMCAST BUSINESS	\$138.39	O
21123	9/7/2021	775	CONVENIENT CAR CARE C	\$179.70	O
21124	9/7/2021	1002770	DAN & SHERRY TIERNEY	\$656.40	O
21125	9/7/2021	1002011	FRANCOTYP-POSTALIA INC.	\$237.00	O
21126	9/7/2021	2	FREEDOM SYSTEMS	\$314.00	O

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05-Oct-21

From: 03-Aug-21 To: 07-Sep-21

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
21127	9/7/2021	114	FRONEFIELD CRAWFORD. J	\$799.50	O
21128	9/7/2021	289	GENERAL CODE PUBLISHE	\$2,800.00	O
21129	9/7/2021	1001944	GOSHEN SIGNS	\$35.00	O
21130	9/7/2021	422	HARRY TILLMAN AUTOMOTI	\$1,048.68	O
21131	9/7/2021	6	INNOVATIVE CONSTRUCTIO	\$64,920.00	O
21132	9/7/2021	1002052	JENNIFER A BOORSE	\$500.00	O
21133	9/7/2021	1002771	KELLY & CATHY KOBER	\$676.90	O
21134	9/7/2021	1002721	MELISSA URBANY	\$200.00	O
21135	9/7/2021	29	PECO ENERGY	\$386.72	O
21136	9/7/2021	30	PECO ENERGY (TRAFFIC LI	\$75.47	O
21137	9/7/2021	171	REILLY & SONS INC.	\$982.87	O
21138	9/7/2021	811	S & S CLEANING SERVICE	\$388.00	O
21139	9/7/2021	23	VANDEMARK & LYNCH, INC.	\$6,788.06	O
21140	9/7/2021	61	VERIZON 753-804-167-0001-	\$367.76	O
21141	9/7/2021	1001913	VERIZON WIRELESS 722423	\$188.50	O
21142	9/7/2021	1002768	VIVIANA SIMONIK	\$697.40	O
21143	9/7/2021	917	WITMER PUBLIC SAFETY G	\$182.52	O
21144	9/7/2021	780	GUMBALL MEDIA/LAND ART	\$1,575.00	O
21145	9/7/2021	1001755	MAJIC LANDSCAPES	\$2,170.00	O
21146	9/7/2021	1002053	MICHAEL J HOCHHAUS	\$250.00	O
21147	9/7/2021	1001833	STAPLES BUSINESS ADVAN	\$28.86	O
<b>Bank Total:</b>				<b>\$129,125.47</b>	
<b>Bank Account: 81 TRUMARK SEWER FUND</b>					
10282	8/10/2021	1002401	WALTON WATER SERVICES	\$2,315.70	O
10283	8/23/2021	1002509	AQUA PA WW	\$355.30	O
10284	9/7/2021	1002659	ARRO CONSULTING, INC	\$563.38	O
10285	9/7/2021	1002759	BJORN & JASMINE BLACKB	\$16.50	O
10286	9/7/2021	366	BUCKLEY, BRION, MCGUIRE	\$243.50	O
10287	9/7/2021	1002762	DAVID FLORENCE	\$16.00	O
10288	9/7/2021	1002760	JAMES BUTCHER	\$16.50	O
10289	9/7/2021	1002758	JOHN BOGOSIAN	\$165.00	O
10290	9/7/2021	1002053	MICHAEL J HOCHHAUS	\$96.30	O
10291	9/7/2021	1002763	NITIKA JASSAL	\$165.00	O
10292	9/7/2021	1002691	OBERMAYER	\$1,442.50	O
10293	9/7/2021	1002757	PEEYUSH & ANAMIKA JAIN	\$165.00	O
10294	9/7/2021	1002761	ROBERT DOWNS	\$5.00	O
10295	9/7/2021	1002766	RUSSELL WATERS	\$165.00	O
10296	9/7/2021	1002765	SANTHI POTIREDDY	\$330.00	O
10297	9/7/2021	1002764	SHASHANK NEEMA	\$165.00	O

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05-Oct-21

From: 03-Aug-21 To: 07-Sep-21

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Check No	Check Date	VendorNo	Vendor	Check Amount	Status
10298	9/7/2021	1002767	SUSAN CONCANNO	\$423.00	O
<b>Bank Total:</b>				<b>\$6,648.68</b>	
<b>Total Of Checks:</b>				<b>\$135,774.15</b>	

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