

**BIRMINGHAM TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
NOVEMBER 6, 2023**

The regular meeting of the Board of Supervisors was called to order at 7:00 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

Also in attendance was Township Solicitor Kristin Camp, Esq.

Vice-Chairman Shiring moved to approve the October 2, 2023 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 \$112,871.08. Supervisor Hill seconded the motion and the bills were unanimously approved.

**HARB REPORT**

**1237 BIRMINGHAM ROAD/BIRMINGHAM LAFAYETTE CEMETERY/SHED**

HARB met on October 17<sup>th</sup> and recommended that a Certificate of Appropriateness be approved for the Birmingham Lafayette Cemetery, 1237 Birmingham Road, for a new pole building. Materials and colors are: metal siding in “Patina Green”; Metal Roof in “Brite White”; White Garage Doors; White Door; Green/White Trim. Richard Moore was present on behalf of the Cemetery. He said that the shed will be located at the end of the stone road; adjacent to the office building. The shed will be the same colors as the office building. It will be 32x36 with a 12’ ceiling and two garage doors. The shed will be used for the storage of equipment and a leaf truck.

Sect./Treas. noted that the address on the application was 1235 Birmingham Road, but the 9-1-1 address for the property is 1237 Birmingham Road.

William Worth, Meetinghouse Road, asked if any input on the shed had been received from the owners of the Linden Farm property. None had been received but it also is not visible from that property.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for the shed at the Birmingham Lafayette Cemetery as approved by HARB. Supervisor Hill seconded the motion which was unanimously approved.

**225 BRINTON’S BRIDGE ROAD/PAINTER HOUSE SUITES/EXHAUST HOOD & FAN**

At its meeting on October 17, 2023 HARB recommended that a Certificate of Appropriateness be issued to Frank Rupp/Owner/Painter House Suites and Bryan Rogers/Tenant for the

installation of an exhaust hood on the back side of the building at 225 Brinton's Bridge Road. The makeup air inlet will be on the side of the building. There was no one present for the application.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for the installation of the exhaust hood on the back side of the building at 225 Brinton's Bridge Road. Supervisor Hill seconded the motion which was unanimously approved.

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

#### **225 BRINTON'S BRIDGE ROAD/PAINTER HOUSE SUITES/RESTAURANT**

At its meeting on October 24, 2023, the HC considered an application from Painter House Suites/Owner and Bryan Rogers/Tenant for the conversion of a residential home into a commercial restaurant for breakfast and lunch for 225 Brinton's Bridge Road (HR#36).

HC Chairman Michael Forbes said the property is located behind the Blue Pear Bistro. The HC had no issues with the application.

Vice-Chairman Shiring moved to approve the Certificate of Approval for the commercial restaurant at 225 Brinton's Bridge Road as recommended by the HC. Supervisor Hill seconded the motion which was unanimously approved.

### **ZHB APPLICATION FOR 1028 RADLEY DRIVE/WATKINS/ADDITION**

The Zoning Hearing Board will be meeting on November 15<sup>th</sup> to consider an application from Joseph and Jocelyn Watkins for a variance from Sections 122-24.C (lot coverage); 122-24.E (side yard); and 122-24.I (green space) of the Township Code in order to construct an addition onto the rear of the existing home; expand the existing driveway; and add a rear walkway to the property located at 1028 Radley Drive.

Dan Popplewell with Nepo Associates was present on behalf of the Watkins. He said that the Watkins have owned the house since 1990 and they are looking to age in place. The proposal is for a 30x30 addition; a walk-in closet; expanded driveway. The addition will encroach into the side yard by one foot. The 25' side yard requirement can be met, but not the side yard aggregate. A drainage easement is located on the far side of the house. The septic system is being moved back to maintain the required isolation distance. The property was originally zoned R2-Cluster but it was re-zoned R-1/PRD.

Vice-Chairman Shiring moved to take a non-position on the ZHB application for the Watkins and to defer to the expertise of the ZHB to render a decision after hearing all the testimony. Supervisor Hill seconded the motion which was unanimously approved.

### **HISTORICAL COMMISSION ORDINANCE HEARING**

A hearing was duly advertised in the Daily Local News on October 20<sup>th</sup> and 27<sup>th</sup> that the Supervisors would be considering an ordinance amending Chapter 122 of the Township Code, "Zoning", Section 122-6 to delete definitions of Class I, Class II; Class III Historic Resources and Historical Significance; to amend the definition of Historic Resource and Inventory of Historic Resources; to add a definition of Site; and to amend Article VIIIA titled "Historic

Preservation". The hearing lasted about an hour and was transcribed by Court Reporter Cara Fitzpatrick.

Vice-Chairman Shiring stated that the Supervisors were going to take the comments received at the hearing under consideration and moved to continue the hearing to December 4<sup>th</sup> @ 7 PM. Supervisor Hill seconded the motion which was unanimously approved.

#### **ADMINISTRATIVE ASSISTANT POSITION**

Diane Rementer, Administrative Assistant, resigned for a full-time position. Township staff has interviewed and are recommending Michele Reid of West Grove to fill the vacancy. Vice-Chairman Shiring moved to appoint Michele Reid as part-time Administrative Assistant at the rate of \$25.00/hr. Supervisor Hill seconded the motion which was approved.

#### **RESOLUTION FOR APPOINTMENT OF BBD,LLP TO PERFORM 2023 AUDIT**

It was duly advertised in the Daily Local News on September 6<sup>th</sup> that the Supervisors would be considering the appointment of the certified public accounting firm of BBD, LLP to examine the 2023 financial statements and prepare an audit.

Chairman Boorse moved to adopt Resolution #2023-1106A for the appointment of BBD, LLP to examine the Township accounts for 2023 and prepare the audit for a fee of \$5,800.00. Supervisor Hill seconded the motion which was unanimously approved.

#### **AGREEMENT AND RESOLUTION FOR THE COUNTY TO COLLECT TOWNSHIP REAL ESTATE PROPERTY TAXES**

The Township had entered into an agreement with the Chester County Treasurer's Office in 2017 to collect real estate property taxes. The rate charged was \$1.75/invoice and \$.55 for past due notices. The County is looking to raise its rates and enter into a new agreement for a two-year term. The new rate will be \$4.00/invoice and \$2.00 for past due notices. The rate is still less than previously paid to the elected tax collector.

Chairman Boorse moved to adopt Resolution #2023-1106B authorizing the collection of municipal taxes by the Chester County Treasurer and to enter into a two-year agreement with the County for the collection of municipal taxes for 2024 and 2025. Supervisor Hill seconded the motion which was unanimously approved.

#### **AUTHORIZE ADVERTISING ON PRELIMINARY BUDGET FOR 2024**

Vice-Chairman Shiring moved to authorize advertising for the inspection of the preliminary budget for 2024 with the final budget to be adopted on December 4<sup>th</sup>. Sect./Treas. Nelling stated that the millage rate remains at 1.6 mills. Supervisor Hill seconded the motion which was unanimously approved.

#### **AUTHORIZE ADVERTISING FOR ORDINANCE HEARING ON PENSION PLANS**

The Township pension plan agreements require a break in service before returning to work before being eligible to collect pension. The Board of Supervisors will be considering a change to the agreement which requires an updated ordinance. Chairman Boorse moved to authorize

advertising on a hearing for the December 4<sup>th</sup> meeting. Supervisor Hill seconded the motion which was unanimously approved. Solicitor Camp will prepare the advertising for the hearing.

**PUBLIC COMMENT**

Jim Kelican, 803 General Cornwallis Drive, complimented the Supervisors for being fiscally responsible as well as Chief Nelling for the excellent job he has done, especially in recent years with the bad press on the police.

Mr. Kelican expressed his concern with golf carts being driven on the roads in Radley Run by the homeowners and the potential for dangerous accidents. Chief Nelling is aware of the problem. Homeowners are being stopped and told that the golf carts are not allowed on the roads. The vehicle code does apply to golf carts. Chief Nelling will send a letter to the Radley Run Country Club advising them to remind their members that the golf carts are not permitted on the streets.

Peter Shea, 1042 Wylie Road, expressed his concern with motor vehicles driving by school buses on Wylie Road when they are stopped at the Heartsease development. Chief Nelling said that the school buses have video cameras on them and the bus drivers are required to report violations to the police department.

The meeting was adjourned at 9:06 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling  
Secretary/Treasurer

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

07-Dec-23

From: 03-Oct-23 To: 06-Nov-23

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 11 TRUMARK GENERAL FUND</b>					
22279	10/18/2023	366	BUCKLEY,BRION,MCGUIRE	\$1,529.00	O
22280	10/18/2023	1002494	CIVICPLUS LLC	\$3,038.67	O
22281	10/18/2023	1002390	CJS TIRE & AUTOMOTIVE	\$1,128.84	O
22282	10/18/2023	1002121	CLEVENS K-9 SCOOP	\$228.00	O
22283	10/18/2023	775	CONVENIENT CAR CARE C	\$199.75	O
22284	10/18/2023	2	FREEDOM SYSTEMS	\$2,212.38	O
22285	10/18/2023	21	H A THOMSON	\$29,291.00	O
22286	10/18/2023	27	H. A. WEIGAND INC.	\$54.67	O
22287	10/18/2023	422	HARRY TILLMAN AUTOMOTI	\$838.99	O
22288	10/18/2023	1002793	HOFFMANS EXTERMINATIN	\$100.00	O
22289	10/18/2023	1002869	LENNI ELECTRIC CORP.	\$4,578.00	O
22290	10/18/2023	798	PA ONE CALL SYSTEM,INC.	\$31.08	O
22291	10/18/2023	171	REILLY & SONS INC.	\$2,179.80	O
22292	10/18/2023	746	V.E. RALPH & SON,INC.	\$350.00	O
22293	10/18/2023	1001881	YCG, INC.	\$90.00	O
22294	11/6/2023	11	21ST CENTURY MEDIA - PHI	\$109.93	O
22295	11/6/2023	1002875	ALEC BRECKER	\$2,232.92	O
22296	11/6/2023	557	ALL SEASONS LANDSCAPIN	\$1,800.00	O
22297	11/6/2023	1002659	ARRO CONSULTING, INC	\$16,412.06	O
22300	11/6/2023	21	H A THOMSON	\$8,934.00	O
22301	11/6/2023	1002874	K-LOG, INC.	\$3,909.80	O
22321	11/6/2023	780	LAND ART	\$855.00	O
22322	11/6/2023	1001755	MAJIC LANDSCAPES	\$2,410.00	O
22323	11/6/2023	1002526	MCDONALD UNIFORM CO., I	\$2,337.75	O
22324	11/6/2023	1002864	MILESTONE PLANNING AND	\$700.00	O
22325	11/6/2023	314	NATIONAL BUSINESS FURN	\$964.17	O
22326	11/6/2023	1002573	NMS LABS	\$283.00	O
22327	11/6/2023	798	PA ONE CALL SYSTEM,INC.	\$29.60	O
22328	11/6/2023	205	PARKWAY DRY CLEANERS,	\$96.65	O
22329	11/6/2023	1002876	PHILLIP OFFIELD	\$448.18	O
22330	11/6/2023	171	REILLY & SONS INC.	\$942.12	O
22331	11/6/2023	507	ROTHWELL DOCUMENT SO	\$403.43	O
22332	11/6/2023	811	S&S CLEANING SERVICE	\$388.00	O
22333	11/6/2023	1001833	STAPLES BUSINESS ADVAN	\$655.68	O
22334	11/6/2023	96	U.S. IDENTIFICATION MANU	\$87.45	O
22335	11/6/2023	278	UNRUH, TURNER, BURKE &	\$924.50	O
22340	11/6/2023	1002121	CLEVENS K-9 SCOOP	\$285.00	O
22341	11/6/2023	775	CONVENIENT CAR CARE C	\$239.70	O

# Check Register

BIRMINGHAM TOWNSHIP

07-Dec-23

From: 03-Oct-23 To: 06-Nov-23

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
22342	11/6/2023	1002869	LENNI ELECTRIC CORP.	\$8,008.78	O
Bank Total:				\$99,307.90	
Bank Account: 22 GF - Electronic Payments					
100171	10/18/2023	1001926	AJ BLOENSKI, INC.	\$170.80	O
100172	10/18/2023	80	AQUA PENNSYLVANIA	\$2,679.67	O
100173	10/18/2023	1001902	COMCAST BUSINESS	\$174.89	O
100174	10/18/2023	29	PECO ENERGY	\$308.66	O
100175	10/18/2023	30	PECO ENERGY (TRAFFIC LI	\$52.60	O
100176	10/18/2023	1002798	TRUMARK FINANCIAL CRED	\$663.94	O
100177	10/18/2023	61	VERIZON 753-804-167-0001-	\$362.99	O
100178	11/6/2023	80	AQUA PENNSYLVANIA	\$98.95	O
100179	11/6/2023	1002011	FP FINANCE PROGRAM	\$65.00	O
100180	11/6/2023	517	INDEPENDENCE BLUE CRO	\$7,997.23	O
100181	11/6/2023	29	PECO ENERGY	\$392.98	O
100182	11/6/2023	30	PECO ENERGY (TRAFFIC LI	\$64.87	O
100183	11/6/2023	61	VERIZON 753-804-167-0001-	\$369.82	O
100184	11/6/2023	1001913	VERIZON WIRELESS 722423	\$160.78	O
Bank Total:				\$13,563.18	
Total Of Checks:				\$112,871.08	