

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
FEBRUARY 5, 2024**

The regular meeting of the Board of Supervisors was called to order @ 7:02 PM 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 present were Thomas Oeste, Township Solicitor, and David Schlott, Jr., Township Engineer.

Vice-Chairman Shiring moved to approve the minutes from January 2, 2024 organizational meeting and regular meeting as written. Supervisor Hill seconded the motion. The minutes were unanimously approved.

Supervisor Hill moved to approve the bills submitted for payment since the January 2, 2024 meeting. General Fund bills totaled \$162,848.84. Vice-Chairman Shiring seconded the motion and the bills were unanimously approved.

POLICE PERSONNEL

At the recommendation of Chief Nelling, Chairman Boorse moved to hire Corporal Eli John Pot as a full-time police officer at the rate of \$41.00/hr. Vice-Chairman Shiring seconded the motion which was unanimously approved. Chairman Boorse performed the swearing-in and oath of office for Corporal Pot who previously worked part-time for Birmingham from 2014 – 2018.

Chief Nelling announced the resignation of part-time police officer Brandon McMillen who left to take a full-time position with West Brandywine Township.

**ZONING HEARING BOARD APPLICATIONS FOR FEBRUARY 21ST HEARING
CICCARONE/1049 SQUIRE CHEYNEY DRIVE**

Michael Ciccarone of 1049 Squire Cheyney Drive is requesting a variance from Sections 122-24.C (Lot Coverage); 122-24.E (Side Yard); and 122-24.I (Green Space) of the Birmingham Township Code for the construction of an addition onto the side and rear of the existing home.

Mr. Ciccarone stated that he is requesting a dimensional variance from the R-1 zoning. He is proposing the removal of an existing screened in porch and the addition of a garage for recreational equipment and storage. He is in compliance with the 25' side yard setback requirements for each side of the property but not the aggregate requirement of 60' as the aggregate is only 56.3'. The impervious coverage requirement is not more than 10%. Existing is 11.67% and the addition will increase the impervious coverage to 12.6%.

Vice –Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board after hearing all the testimony. Supervisor Hill seconded the motion which was unanimously approved.

KOBERG/1111 SOUTH WASHINGTON RIDGE

David & Kathleen Koberg of 1111 S. Washington Ridge are requesting a variance from Sections 122-24.C (Lot Coverage); and 122-24.I (Green Space) of the Birmingham Township Code for the removal of an existing deck and replacing it with a larger deck.

Mr. Koberg said he purchased the house less than two years ago. A detached garage and a 10x12 deck had been added to the house prior to his purchasing it. He is proposing to remove the existing deck and replacing it with a 1200 sq. ft. deck with part of it screened in for a porch. There is no concrete slab. The property backs up to the golf course. Any runoff goes onto the fairway. The impervious coverage requirement is not more than 10%. Existing is 11.94% and the new deck will increase it to 16.15%.

Even though the increase in impervious coverage wasn't diminimus like in the Ciccarone application and was a bigger percentage increase, Chairman Boorse moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board to render a decision after hearing all the testimony. Vice-Chairman Shiring seconded the motion which was unanimously approved.

HISTORICAL PROPERTY BUILDING PERMIT APPLICATION **1110 WEST STREET ROAD/FRAZIER/SHINGLES**

Mark Onorato, contractor, was present with Alan Frazier, owner of 1110 West Street Road, with a building permit application to fix the damage to the bathroom; replace the damage to the leaking roof on the first floor addition and wrap the outside walls of the addition and install new siding. The house is Historic Resource #73 (Townsend (Steele) Tenant Farm.

Mr. Onorato said that the bathroom fix was an emergency as the tub had fallen through the floor and the bathroom was not useable. The building inspector had given approval for the emergency repair which has been completed. The house was hit by trees which left holes in the siding. The window is being removed; the addition is being wrapped and waterproofed; and the aluminum siding is being replaced with cedar shake siding. The roof will be asphalt architectural shingles in the color weathered wood.

Mr. Onorato said he had provided certified receipt mailing notices to the neighbors of the proposed work, but he did not have the list with him (certified receipts were provided to Secretary/Treasurer Nelling after the meeting).

Vice-Chairman Shiring moved to authorize the issuance of the building permit for the completion of the repairs to the existing tie back wrap area with the installation of cedar shake siding and the same dimensional architectural asphalt shingles for the bathroom and porch area roof, conditioned upon the confirmation that certified mailings were properly sent to the neighbors of the proposed work. Supervisor Hill seconded the motion which was unanimously approved.

1305 WILMINGTON PIKE FINAL LAND DEVELOPMENT PLAN

Alyson Zarro, Esq. was present for the applicant, Penn Oaks HP Enterprises, to request final land development approval for the property located at 1305 Wilmington Pike, which is south of BMW and north of CJ's Tires; with Penn Oaks Country Club to the east.

The proposal is for a 31,300 sq. ft. three story office building with offices on the second and third floors and retail and/or a restaurant on the first floor.

The application has received approval from the Township's Planning Commission. The NPDES permit was received in March 2023. A PennDOT highway occupancy permit is needed for the installation of an ADA curb ramp and a pedestrian pushbutton on the traffic signal. The owner of Penn Oaks Country Club has verbally agreed to easements for sewer; sidewalk and the traffic signal cabinet. Financial security has been established with Bucks County Water and Sewer Authority for public sewer. The applicant will comply with the February 2, 2024 review letter from the Township Traffic Engineer, Greg Richardson.

Chairman Boorse asked if a plan for signage for the property had been submitted and if there would be a free-standing sign on the eased area owned by Penn Oaks Estates. Ms. Zarro indicated that a free-standing sign had not been contemplated at this time. Signage on the front of the building will be the primary signage but it is dependent on the number of tenants. The existing sign for Penn Oaks Estates will remain on the eased property. Steve Sauselein, Engineer, indicated that plans for signage will be submitted with the building permit application.

Chairman Boorse moved to approve the preliminary/final land development plan for Penn Oaks HP Enterprises for 1305 Wilmington Pike for a three story office building with retail and/or restaurant uses on the first floor and office uses on the second and third floors. The plans were prepared by Edward B. Walsh and Associates; dated April 15, 2020; last revised January 13, 2023; consisting of thirteen sheets. The plans are approved conditioned upon:

- Compliance with the February 2, 2024 review letter from the Township Traffic Engineer;
- Approval from PennDOT for the upgrade to the traffic signal at the intersection of Rt. 202 and Old Wilmington Pike;
- Obtaining a highway occupancy permit from PennDOT to construct an ADA-compliant sidewalk/curb ramp at the Penn Oaks Drive crosswalk at Rt. 202.
- Connecting the proposed building to public sewer service provided by Bucks County Water and Sewer Authority and obtaining all approvals, permits, and easements necessary for public sewer connection;
- Obtaining an easement from Penn Oaks Estates, Inc. and recording of the same in order to construct an ADA-compliant sidewalk/curb ramp at the Penn Oaks Drive crosswalk at Rt. 202;
- Obtaining all outside agency permits;
- Paying all fees associated with the application;
- Execution of the Land Development Agreement; Financial Security Agreement; and Stormwater Management Best Practices Operations and Maintenance Agreement.

Supervisor Hill seconded the motion which was carried with two in favor and one abstention. Vice-Chairman Shiring recused himself from voting as Alyson Zarro is a partner in his legal firm.

RESOLUTION FOR TRAFFIC SIGNAL FOR RT. 202/OLD WILMINGTON PIKE

Chairman Boorse moved to approve Resolution 2024-0205B for the submission of the traffic signal maintenance agreement for modifications to the traffic signal at Rt. 202/Old Wilmington Pike for the upgrades to the signal required for the Penn Oaks HP Enterprises Land Development Plan and to execute a new traffic signal maintenance agreement with PennDOT. Supervisor Hill seconded the motion which was approved with two in favor and one abstention from Vice-Chairman Shiring who recused himself from voting as Alyson Zarro is a partner in his legal firm.

RECREATION, PARK & OPEN SPACE MOWING BIDS

The Recreation, Park and Open Space Committee (RPOS) has obtained three bids for mowing and landscape services for the Birmingham Hill trail; Sandy Hollow Park and the Rt. 926 embankment. Three bids were received. The low bid was from Majic Landscaping for \$17,195.00. Brian Bonkoski, Chairman of RPOS, said that, overall, the committee has been satisfied with the work done by Majic in prior years.

Supervisor Hill moved to accept the bid of \$17,195.00 from Majic Landscaping for landscape and mowing services for RPOS for 2024. Vice-Chairman Shiring seconded the motion which was unanimously approved.

BIDS FOR 2024 ROAD PROGRAM

Bids were duly advertised on PennBid for the 2024 Road Program. Seven bids were received. The low bid received was from Sacks & Sons, Inc. for \$516,314.70. The Supervisors had budgeted \$370,000.00 for the road program.

After discussion with the Township Solicitor, Township Engineer, and Township Roadmaster, it was decided to reject all the bids and to downscale the road program to get closer to budget and separate out some of the items for bidding.

Vice-Chairman Shiring moved to reject all the bids received for the 2024 road program and to re-advertise for bids for the March 4, 2024 meeting. Supervisor Hill seconded the motion which was unanimously approved.

TREASURER'S REPORT

Sect./Treas. Nelling said that the books have been closed for 2023 and are currently under audit by BBD, LLP. Unaudited financial statements have been provided to the Supervisors.

Balances at the end of the year:

General Fund - \$1,153,626.

Capital Reserve Fund - \$2,887,837.

State Fund - \$8,370.

Sect./Treas. Nelling reported revenues and expenses for 2023 and highlighted some accounts.

	<u>Budget</u>	<u>Actual</u>	<u>Difference</u>
General Fund Revenues	\$2,938,106.	\$3,506,562.	\$568,456.
General Fund Expenditures	\$2,351,646.	\$2,352,937.	\$ 1,290.
Real Estate Transfer Tax	\$ 250,000.	\$ 390,867.	\$140,867.
Permits	\$ 122,000.	\$ 219,452.	\$ 97,452.
Capital Construction	\$ 180,000.	\$ 309,645.	\$129,645.
Police	\$ 871,070.	\$ 887,928.	\$ 16,858.
Snow Removal	\$ 150,000.	\$ 16,440.	\$133,560.

Chairman Boorse praised Sect./Treas. Nelling for the detail in maintaining the books as well as all the work done for the Township by Chief Nelling.

PUBLIC COMMENT

Kathy Holden, 804 General Sterling Drive, was in attendance requesting that the Township comply with the June 2, 2023 Planning Module approval letter for the Radley Run Country Club improvements which states that “it is the Township’s responsibility to ensure that adequate sewage facilities are provided to all properties with the municipality”. Mrs. Holden said that there are 22 houses that are dependent on sewer from the Radley Run Country Club sewer system as these properties don’t perc. The system is over forty years old and continues to be in violation of its NPDES permit seven out of the last twelve months as flows have exceeded the limits.

Mrs. Holden had attended a prior meeting to discuss her concerns at which time Solicitor Camp had suggested that the 22 houses obtain private legal counsel as the Radley Run Country Club sewer system is a privately owned system. Mrs. Holden said that 17 out of the 22 homes have joined in to hire legal counsel who has sent a letter to the Radley Run Country Club asking for a meeting to talk and discuss the sewer situation.

Solicitor Oeste said that Mrs. Holden is referring to the responsibilities under Act 537 which is “boiler plate language” in the review letters.

Michael Ciccarone, 1049 Squire Cheyney Drive, asked how the Township is notified if there are violations at the Radley Run Country Club sewer plant? Solicitor Oeste said that the Township should be copied on correspondence from DEP.

Mrs. Holden asked what happens to the 22 houses on the Radley Run Country Club sewer system if the system fails?

Vice-Chairman Shiring asked for a legal opinion on the June 2, 2023 letter from DEP.

Mr. Ciccarone commented that the Zoning Hearing Board process is very expensive; time consuming and a burdensome process. He didn’t understand the ordinance restrictions. Most of the Radley Run homes are non-conforming with the impervious coverage and green space ordinance requirements. He thought that if the variance is diminimus, as in his case, that some

other kind of provision should be considered for the residents. He suggested revisiting the restrictions on properties over an acre.

Chairman Boorse responded that when the ordinance was adopted it is a balancing act on the right of homeowners versus the ordinance requirements for open space and impervious coverage versus adherence to Federal and State regulations. If a change is made to the ordinance, the limits keep creeping up. The Supervisors look to be consistent with other townships.

Vice-Chairman Shiring added that the only way to get relief from area and bulk regulations is through the Zoning Hearing Board and the Board can look at what can be done to lighten the burden on the residents.

The meeting was adjourned at 8:18 PM. (SCB;MTS)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

05-Mar-24

From: 03-Jan-24 To: 05-Feb-24

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 11 TRUMARK GENERAL FUND					
22423	1/8/2024	11	21ST CENTURY MEDIA - PHI	\$301.59	O
22424	1/8/2024	79	BRANDYWINE VALLEY SPC	\$302.27	O
22425	1/8/2024	153	CHESTER COUNTY POLICE	\$150.00	O
22433	1/8/2024	1002121	CLEVENS K-9 SCOOP	\$228.00	O
22434	1/8/2024	775	CONVENIENT CAR CARE C	\$299.60	O
22435	1/8/2024	1002606	CRYSTAL SPRINGS	\$51.64	O
22436	1/8/2024	422	HARRY TILLMAN AUTOMOTI	\$361.98	O
22437	1/8/2024	780	LAND ART	\$675.00	O
22438	1/8/2024	1002864	MILESTONE PLANNING AND	\$1,150.00	O
22439	1/8/2024	798	PA ONE CALL SYSTEM,INC.	\$12.58	O
22440	1/8/2024	205	PARKWAY DRY CLEANERS,	\$123.86	O
22441	1/8/2024	171	RHOADS ENERGY	\$1,171.27	O
22442	1/22/2024	8	10-8 EMERGENCY VEHICLE	\$1,228.18	O
22443	1/22/2024	366	BUCKLEY,BRION,MCGUIRE	\$2,216.00	O
22444	1/22/2024	422	HARRY TILLMAN AUTOMOTI	\$8,996.83	O
22445	1/22/2024	1002793	HOFFMANS EXTERMINATIN	\$100.00	O
22446	1/22/2024	1002526	MCDONALD UNIFORM CO., I	\$504.47	O
22447	1/22/2024	1002864	MILESTONE PLANNING AND	\$1,225.00	O
22448	1/22/2024	171	RHOADS ENERGY	\$850.07	O
22449	1/22/2024	507	ROTHWELL DOCUMENT SO	\$376.09	O
22450	1/22/2024	26	SIGNAL SERVICE INC.	\$1,375.00	O
22451	1/22/2024	1001833	STAPLES BUSINESS ADVAN	\$829.49	O
22452	1/22/2024	917	WITMER PUBLIC SAFETY G	\$387.11	O
22453	2/5/2024	881	AMERICAN ROCK SALT CO	\$7,392.72	O
22454	2/5/2024	1002890	ARLENE M. LAROSA, RPR	\$550.00	O
22455	2/5/2024	1002659	ARRO CONSULTING, INC	\$8,920.23	O
22456	2/5/2024	1001949	CHADDs FORD CLIMATE C	\$585.00	O
22457	2/5/2024	1002390	CJS TIRE & AUTOMOTIVE	\$646.64	O
22458	2/5/2024	1002121	CLEVENS K-9 SCOOP	\$285.00	O
22459	2/5/2024	775	CONVENIENT CAR CARE C	\$219.70	O
22460	2/5/2024	1002606	CRYSTAL SPRINGS	\$81.31	O
22461	2/5/2024	232	ELYSE/BERBEN INSIGNIA	\$75.40	O
22462	2/5/2024	2	FREEDOM SYSTEMS	\$2,212.38	O
22463	2/5/2024	46	GALLS, LLC	\$375.90	O
22464	2/5/2024	21	H A THOMSON	\$5,516.00	O
22465	2/5/2024	422	HARRY TILLMAN AUTOMOTI	\$116.00	O
22466	2/5/2024	1002526	MCDONALD UNIFORM CO., I	\$270.96	O
22467	2/5/2024	1002864	MILESTONE PLANNING AND	\$1,075.00	O

Check Register**BIRMINGHAM TOWNSHIP**

05-Mar-24

From: 03-Jan-24 To: 05-Feb-24

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
22468	2/5/2024	798	PA ONE CALL SYSTEM,INC.	\$22.80	O
22469	2/5/2024	3	PA TWP HEALTH INS COOP	\$2,496.60	O
22470	2/5/2024	178	PAGE EXCAVATING COMPA	\$71,687.50	O
22471	2/5/2024	205	PARKWAY DRY CLEANERS,	\$161.97	O
22472	2/5/2024	171	RHOADS ENERGY	\$903.15	O
22473	2/5/2024	75	RJCRAIG GRAPHICS & DESI	\$70.00	O
22474	2/5/2024	811	S&S CLEANING SERVICE	\$540.00	O
22475	2/5/2024	26	SIGNAL SERVICE INC.	\$220.00	O
22476	2/5/2024	1001833	STAPLES BUSINESS ADVAN	\$442.65	O
22477	2/5/2024	424	U.S. POSTAL SERVICE (CM	\$1,000.00	O
22478	2/5/2024	1001881	YCG, INC.	\$2,333.25	O
22479	2/5/2024	5	BOROUGH OF WEST CHES	\$17,382.50	O
Bank Total:				\$148,498.69	

Bank Account: 22 GF - Electronic Payments

100205	1/8/2024	1001926	AJ BLOENSKI, INC.	\$170.80	O
100206	1/8/2024	80	AQUA PENNSYLVANIA	\$2,679.67	O
100207	1/8/2024	1001902	COMCAST BUSINESS	\$177.89	O
100208	1/8/2024	29	PECO ENERGY	\$616.32	O
100209	1/8/2024	30	PECO ENERGY (TRAFFIC LI	\$66.89	O
100210	1/22/2024	517	INDEPENDENCE BLUE CRO	\$7,997.23	O
100211	1/22/2024	1002798	TRUMARK FINANCIAL CRED	\$702.82	O
100212	2/5/2024	80	AQUA PENNSYLVANIA	\$63.97	O
100213	2/5/2024	1001902	COMCAST BUSINESS	\$207.89	O
100214	2/5/2024	1002011	FP FINANCE PROGRAM	\$65.00	O
100215	2/5/2024	29	PECO ENERGY	\$1,057.19	O
100216	2/5/2024	30	PECO ENERGY (TRAFFIC LI	\$16.51	O
100217	2/5/2024	61	VERIZON 753-804-167-0001-	\$367.13	O
100218	2/5/2024	1001913	VERIZON WIRELESS 722423	\$160.84	O
Bank Total:				\$14,350.15	
Total Of Checks:				\$162,848.84	