

MEETING MINUTES
JULY 9, 2007

OPENING OF MEETING: The regularly scheduled bi-monthly public meeting of the Board of Supervisors of the Township of Spring was called to order by Chairman Vaughan at 7:30 p.m. in the Meeting Room of the Municipal Building located at 2800 Shillington Road, Cornwall Terrace, Berks County, Pennsylvania.

The meeting opened with the Pledge to the Flag.

Upon roll call, Messrs. Dallas, Dettra, Kreider, Templin and Vaughan were present. Also present were: James Lillis, Esquire, Leon Mazurie, Chief Messner, James Moll, Fire Commissioner Schach, Sheryl Kressler, Jairus Zerbe, Jane Windhorst, Stanley Blankenbiller, Jeff and Robin Noll, Dale and Linda Moyer, Francis Savage, Kent Hornberger, Jeanette Law, Mr. and Mrs. Robert Siegfried, Lisa Fuoco, Galen Lape, Herb Stahl and Erin Negley of the Reading Eagle.

OPEN TO THE FLOOR:

Jairus Zerbe, 1131 Old Fritztown Road: Mr. Zerbe received correspondence from the Township Zoning Officer regarding removal of four trailers from his property. He requested an extension of time, pending sale of this property. Not being familiar with the details of the matter, Solicitor Lillis suggested that the same should be discussed with the Zoning Officer and an answer provided at the next Board of Supervisors meeting.

Fritztown Road/Old Wernersville Road:

Dale Moyer, 862 Fritztown Road: Mr. Moyer voiced his concern, and the concerns of his neighbors (some in attendance), regarding erosion along Fritztown Road and other related issues. Photographs were provided for reference.

Jeff Noll, 874 Fritztown Road: As a result of erosion on Fritztown Road, a problem exists with mail delivery and the location of the mailboxes.

Mr. Moll agreed that a site meeting would be scheduled. Chairman Vaughan explained that roadwork in the area was done according to PennDOT specifications and that details pertaining to these issues must be worked out among three different parties.

Herb Stahl, 818 Carman Drive: Mr. Stahl asked whether he would be required to cut down trees along Snyder Road prior to selling his house. Mr. Vaughan informed him that the Township's goal is to remove all obstructions in the Township rights-of-way, not only on Snyder Road, including trees, limbs, shrubs, fences, sheds and other code violations which affect stormwater and access to sewer lines. The recently adopted Property Transfer Ordinance will be further explained at a public meeting on July 18, 2007, 7:00 p.m., at the

Township Building (tentative).

Lisa Fuoco, Coldwell Banker: Questions regarding Property Transfer Ordinance and public meeting.

MINUTES: A motion was made by Mr. Dallas, second by Mr. Kreider, approving Minutes dated May 24, 2007 (WalMart Conditional Use Hearing), May 29, 2007, June 11, 2007 and June 25, 2007. Upon roll call, all Supervisors voted affirmatively with the following exceptions: Mr. Dettra abstained on June 11, 2007, Mr. Templin abstained on June 25, 2007, and Mr. Vaughan abstained on June 11, 2007.

OPERATIONS:

Business Office:

Bills for Approval: Mr. Dallas made the motion, second by Mr. Kreider, approving payment of bills, from various Township accounts, as listed by the Township Treasurer:

General Fund - \$294,287.40
Fire Hydrant Tax Fund - \$14.45
Refuse Tax Fund - \$16,896.48
Sewer District #3 Fund - \$183,888.62
Fire Protection Fund – \$5,236.76
Capital Fund Account - \$27,400.07
State Liquid Fuels Fund - \$450,000.00
Recreation Fund - \$37,457.75

Upon roll call, all Supervisors voted affirmatively.

Financial Reports: All members received copies of the current financial reports.

Enforcement Officer – Job Description: A motion was made by Mr. Dallas, second by Mr. Kreider, approving the job description for the new position of Enforcement Officer. Upon roll call, all Supervisors voted affirmatively.

A motion was made by Mr. Dallas, second by Mr. Kreider, authorizing the appropriate director to proceed with the process of filling the position of Enforcement Officer. Upon roll call, all Supervisors voted affirmatively.

Hiring of Seasonal Employee: A motion was made by Mr. Kreider, second by Mr. Templin, to hire Jill Reifsnnyder, of Overland Avenue, for approximately six weeks during the summer in the business office, at the rate of \$7.15 per hour. Upon roll call, all Supervisors voted affirmatively.

Chairman Vaughan recessed the meeting at 7:55 p.m. in order to proceed with the following public hearing.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
TRAFFIC IMPACT STUDY ORDINANCE
PUBLIC HEARING
8:00 P.M.**

Solicitor Lillis explained that this proposed Ordinance is for the limited purpose of changing the provisions in the Township of Spring Subdivision and Land Development Ordinance for the requirement of a traffic impact study for certain development and subdivision applications.

Testimony and evidence were entered into the stenographic records. A copy of the transcript will be incorporated, by reference, into these Minutes when completed and available for inspection in the Engineering and Planning Services Department of the Township of Spring Municipal Building.

No public comments were heard, and the public hearing was adjourned by Solicitor Lillis at 8:08 p.m.

Thereafter, a motion was made by Mr. Dettra, second by Mr. Kreider, adopting Ordinance No. 342 revising sections of the SALDO, as presented by Solicitor Lillis, together with the amendment thereto, as suggested by the Berks County Planning Commission. Upon roll call, all Supervisors voted affirmatively.

Road Improvements - Question: Mr. Vaughan responded to a previous question asked by Mr. Zerbe. He informed him that if a builder buys his property and proposes a subdivision, it is possible that the Township would compel the developer to make certain improvements along the frontage. When selling his property, Mr. Zerbe should not be required to pay any costs for road improvements.

Parks and Recreation:

Purchase Order #01438 - Playground Carpet: A motion was made by Mr. Dallas, second by Mr. Templin, approving Purchase Order #01438 in the amount of \$4,350.00 to Zwicky Specialty Products, Inc., for 300 cubic yards of "Playground Carpet." Upon roll call, all Supervisors voted affirmatively. Two (2) additional quotes were obtained.

Park Hours – Amendment to Ordinance No. 163: As recommended by the Parks and Recreation Board, a motion was made by Mr. Dettra, second by Mr. Dallas, directing that the Parks and Recreation Manager and Solicitor work together on amending the hours of operation of Township park facilities, as stated in Ordinance No. 163. Upon roll call, all Supervisors voted affirmatively.

Shiloh Hills Park – Additional Design Costs: A motion was made by Mr. Dettra, second by Mr. Dallas, approving additional design costs for Shiloh Hills Park, totaling \$36,800.00. Upon roll call, all Supervisors voted affirmatively. Funds are available in the Parks and Recreation budget.

Facilities/Public Property:

Salt Storage Building – Bid Rejection: On June 25, 2007, the Board of Supervisors directed the Solicitor to review bid documents submitted by the apparent low bidder, Dueck Construction. Subsequent to review of the documents, it has been determined that the bid does not meet the requirements as per the bidding and addendum documents. A motion was made by Mr. Dallas, second by Mr. Kreider, to reject the bid from Dueck Construction. Upon roll call, all Supervisors voted affirmatively.

Due to time constraints, a motion was made by Mr. Dallas, second by Mr. Kreider, to reject any and all remaining bids on the Salt Storage Building. Upon roll call, all Supervisors voted affirmatively. A recommendation to advertise for bids will be made at a later date.

PUBLIC WORKS:

Engineering/Planning Department:

Glad Tidings – Preliminary Plan Approval: As recommended by the Planning Commission, a motion was made by Mr. Dallas, second by Mr. Vaughan, to grant preliminary plan approval for a building addition to the existing Glad Tidings Assembly of God facility. Upon roll call, all Supervisors voted affirmatively.

One Meridian Boulevard - Final Plan – Time Extension (#2): As recommended by the Planning Commission, a motion was made by Mr. Dallas, second by Mr. Vaughan, to approve a time extension to August 28, 2007, for the One Meridian Boulevard Final Plan (office and bank). Upon roll call, all Supervisors voted affirmatively.

Randy Brubaker Subdivision – Time Extension (#1) - As recommended by the Planning Commission, a motion was made by Mr. Dallas, second by Mr. Templin, approving a time extension for the Brubaker Subdivision to November 1, 2007. Upon roll call, all Supervisors voted affirmatively.

Zoning Map Update: A motion was made by Mr. Dallas, second by Mr. Kreider, amending a previous motion (5/29/07) authorizing the printing of the zoning map by TSI Associates, Inc., at a cost of \$14.53 for 100 copies to \$9.80 for 200 copies. Upon roll call, all Supervisors voted affirmatively.

Royal Oaks – Escrow Release No. 4: As recommended by Great Valley Consultants, a motion was made by Mr. Kreider, second by Mr. Dallas, approving Royal Oaks Escrow Release No. 4, in the amount of \$242,565.18, leaving a remaining balance of \$733,132.27. Upon roll call, all Supervisors voted affirmatively.

Infrastructure Committee:

WWTP - Communitor -Purchase Order #02071: As recommended by the Infrastructure Committee, a motion was made by Mr. Dettra, second by Mr. Templin, to approve Purchase Order #02071, for Eastern Environmental, in the amount of \$2,600.00, to remove, rebuild and reinstall the communitor. Upon roll call, all Supervisors voted affirmatively.

Reedy Road Recycling Site – Purchase Order #01439: As recommended by the Infrastructure Committee, a motion was made by Mr. Dettra, second by Mr. Dallas, approving Purchase Order #01439, for The Warko Group, in the amount of \$3,950.00, to furnish and install two (2) new light fixtures and two (2) cameras at the Reedy Road Recycling Site. Upon roll call, all Supervisors voted affirmatively.

Old Lancaster Pike Sewer Extension – Contract Administration and Project Survey Work: As recommended by the Infrastructure Committee, a motion was made by Mr. Kreider, second by Mr. Dettra, accepting a proposal from Gannett Fleming, in the amount of \$9,600.00, for contract administration and surveying work associated with the Old Lancaster Pike Sewer Extension Project. Upon roll call, all Supervisors voted affirmatively.

Old Lancaster Pike Sewer Extension – Engineer and Resident Services: As recommended by the Infrastructure Committee, a motion was made by Mr. Dallas, second by Mr. Kreider, accepting a proposal from Systems Design Engineering for construction observation associated with the Old Lancaster Pike Sewer Extension Project, at a cost not to exceed \$28,950.00.00. Upon roll call, all Supervisors voted affirmatively.

Arrowhead Trail on Lot Sewer Systems: As recommended by the Infrastructure Committee, a motion was made by Mr. Dallas, second by Mr. Templin, authorizing Gannett Fleming to further investigate the feasibility of installing a sanitary sewer line on Arrowhead Trail to service homes with failing on-lot systems. Upon roll call, all Supervisors voted affirmatively. This investigation would include cost estimates and verification of field conditions at a minimal cost.

Gerber Barn Site Inspection: As recommended by the Infrastructure Committee, a motion was made by Mr. Dettra, second by Mr. Kreider, approving a proposal from Great Valley Consultants to provide a report summarizing the structural condition of the Gerber barn located on Chapel Hill Road, including recommendations for possible demolition, dismantling, relocation or razing of the structure, at a cost not to exceed \$660.00. Upon roll call, all Supervisors voted affirmatively. A meeting will be held with Senator Folmer and staff to discuss issues relating to this barn prior to directing Great Valley Consultants to proceed with the aforementioned report.

2007 Road Improvements – Change Order No. 1: As recommended by the Infrastructure Committee, a motion was made by Mr. Kreider, second by Mr. Templin, approving Change Order No. 1 for additional

cold, in-place recycling along Hain Road and replacement of an existing storm sewer inlet along Old Fritztown Road, in the total amount of \$24,343.39. Upon roll call, all Supervisors voted affirmatively.

2007 Road Improvements – Change Order No. 2: As recommended by the Infrastructure Committee, a motion was made by Mr. Dallas, second by Mr. Kreider, approving Change Order No. 2 for excavation, pavement widening, line striping, signage and related work along Fritztown Road (associated with the entrance to Prescott Estates) in the amount of \$54,372.00. Upon roll call, all Supervisors voted affirmatively.

Chairman Vaughan recessed the public meeting at this time. However, it was agreed among the interested parties to postpone the One Meridian – Tentative Plan Public Hearing until the completion of the regular business meeting. The meeting reconvened at 8:35 p.m., and the Public Hearing was recessed.

PUBLIC SAFETY DEPARTMENT:

Police Department:

Public Gathering Permits: Konopelski Katering requested Public Gathering Permits for:

(1) Shocktoberfest (September 21st through October 31st, 2007 – Thursday through Sunday), and (2) Jingle Bell Fest (from November 22nd until January 1, 2008). A motion was made by Mr. Dallas, second by Mr. Templin, deferring action until the next meeting. Chief Messner offered to contact Sinking Spring Borough, as requested by Mr. Dallas.

Township of Spring Volunteer Fire Department:

Lt. Kevin Angstadt: Chief Messner and the Board of Supervisors extended their thoughts, prayers and best wishes to Lt. Angstadt and his family. Fire Commissioner Schach reported that Lt. Angstadt was injured while responding to a steam pipe rupture at Reading Hospital. He suffered second-degree burns around his ankle and wrist and is expected to make a full recovery.

June Activity Report: Copies were distributed to the Supervisors for their review.

SOLICITOR:

Yard Waste - Intergovernmental Cooperation Ordinance No. 343: A motion was made by Mr. Dettra, second by Mr. Templin, adopting Ordinance No. 343 allowing the residents of the Borough of Sinking Spring to deposit grass clippings in the Township of Spring facility. Upon roll call, all Supervisors voted affirmatively.

Crossing Guard Ordinance No. 344: A motion was made by Mr. Vaughan, second by Mr. Templin, approving the transfer of responsibility for school crossing guards from the Township to the Wilson School District. Upon roll call, all Supervisors voted affirmatively.

OLD BUSINESS:

Clean Water Fund: Mr. Dallas announced that the Township is in the process of scheduling a meeting with representatives of the Clean Water Fund.

NEW BUSINESS:

Property Maintenance Board of Appeals: A motion was made by Mr. Templin, second by Mr. Kreider, appointing Dwight Yoder, Esquire, of Gibbel, Kraybill & Hess, as Solicitor of the Property Maintenance Board of Appeals, and Keith Mooney, Esquire, of Barley Snyder, as Conflict Counsel. Upon roll call, all Supervisors voted affirmatively.

The Public Hearing for One Meridian – Tentative Plan was reconvened at 8:45 p.m.

**BPG PROPERTIES, LTD.
ONE MERIDIAN – TENTATIVE PLAN
PUBLIC HEARING
8:45 P.M.**

Gregory J. Davis, Esquire, entered his appearance on behalf of the applicant. Also in attendance were James Lillis, Esquire, Township Solicitor, Kevin Flannery, Erik Hetzel, Eric Ostimchuk, James McCarthy and a court reporter.

Solicitor Lillis explained that this hearing is for the purpose of considering the application of BPG Properties, Ltd. for modification to the tentative plan of the Spring Ridge Planned Residential Development for restaurant uses rather than office use.

There was no response to the Solicitor's question as to whether there were any additional participants to these proceedings.

Testimony and evidence were entered into the stenographic records. A copy of the transcript will be incorporated, by reference, into these Minutes when completed and available for inspection in the Engineering and Planning Services Department of the Township of Spring Municipal Building.

A motion was made by Mr. Dallas, second by Mr. Kreider, accepting Exhibits A-1 through A-8 into evidence. Upon roll call, all Supervisors voted affirmatively.

A motion was made by Mr. Dettra, second by Mr. Templin, to adjourn the Public Hearing. Upon roll call, all Supervisors voted affirmatively.

A motion was made by Mr. Dettra, second by Mr. Kreider, that the decision of the Board of Supervisors would be announced within forty-five (45) days of today's date. Upon roll call, all Supervisors voted affirmatively.

Subsequently, a motion was made by Mr. Dallas, second by Mr. Templin, approving the request of BPG Properties, Ltd. for modification of the tentative plan for the Spring Ridge PRD, subject to conditions as set forth on the record, agreed to by the applicant (no drive-thru restaurants, compliance with parking requirements, traffic contributions) and upon clarification of the numbers by the Township Engineer. Upon roll call, all Supervisors voted affirmatively. Any written decision would reflect said verification of the numbers.

There being no further business, Chairman Vaughan adjourned the meeting at 9:45 p.m.

Sheryl Kressler, Township Secretary