

# TOWNSHIP OF SPRING

## Board of Supervisors

**BERKS COUNTY, PA**

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### MEETING MINUTES

November 12, 2019

**OPENING OF MEETING:** The regular bi-weekly meeting of the Board of Supervisors was called to order by Vice-Chairman Stuck, at 7:00 p.m., on Monday, November 12, 2019, in the Public Meeting Room of the Township of Spring Administration Building, located at 2850 Windmill Road, Spring Township, Berks County, Pennsylvania.

Upon roll call, Supervisors Stuck, Oswald, Smith (arrived 7:59 p.m.) and Myer were present. Chairman Ulrich did not attend. Also present were: Daniel Becker, Esq., Jay Vaughan, Jim Moll, John Groller, Judy Houck, Aaron Wozniak, Bryan Ross, Colin Hackman, Sheryl Rowan, Paul Darrah, Mike Kocher, Fred VanderSnow, Aristides Otero, Greg Davis, Esq., Dave Miller, Derek Pierce, Brian Meyers, Mike Gombar, Esq., Marge Rumbaugh, of the Reading Eagle, and the stenographer.

**OPEN TO THE FLOOR:** There were no comments or questions from the floor.

**MINUTES:** A motion was made by Mr. Myer, second by Mr. Oswald, approving the meeting Minutes of October 28, 2019. Upon roll call, all Supervisors present voted affirmatively. Action on the Vision Meeting Minutes, dated November 1, 2019, was deferred to the next meeting.

#### **TOWNSHIP MANAGER:**

##### **Business Office:**

**Bills for Approval:** A motion was made by Mr. Myer, second by Mr. Oswald, approving payment of bills, as listed by the Township Treasurer:

**General Fund - \$372,924.82**  
**Fire Hydrant Tax Fund - \$6,498.97**  
**Refuse Tax Fund - \$39,241.11**  
**Sewer District #3 Fund - \$719,931.27**  
**Fire Protection Fund - \$118,339.57**  
**Capital Fund - \$2,369.68**

Upon roll call, all Supervisors present voted affirmatively.

**2020 Budget Review and Public Inspection:** On behalf of the Finance Committee, Mr. Groller presented the 2020 proposed budget for acceptance by the Board. The proposed budget is in the amount of \$29,780,728.00, approximately \$974,000.00 less than 2019. General Fund budget is \$15,987,068.00,

approximately \$571,000.00 higher than 2019. The 2020 preliminary budget does increase the general fund real estate millage by .4 mills and the fire tax millage by .1 mills. Increases are recommended to offset the recent annual increases in communication costs for emergency services passed to the Township by Berks County. The remaining budget items remain unchanged. A motion was made by Mr. Myer, second by Mr. Oswald, accepting the 2020 proposed budget and presenting the budget for public inspection. Upon roll call, all Supervisors present voted affirmatively. Final adoption of the budget is set for the December 9, 2019 Board of Supervisors meeting.

**ZONING/BUILDING CODES DEPARTMENT:**

**Monthly Report:** During the month of October, 2019, Mr. Wozniak reported 96 permits were issued, and 53 pre-settlement inspections performed. Value of construction added to the Township - \$1,790,206.28. He met with a consultant regarding the Sewer Management Program and presented information to the Infrastructure Committee.

Solicitor Becker commenced the scheduled public hearing at 7:15 p.m.

**PUBLIC HEARING  
KOHL'S DEPARTMENT STORES, INC.  
TO MODIFY THE CONDITIONS OF THE JUNE 29, 2011 DECISION  
AMENDING THE TENTATIVE PLAN FOR THE PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

Board Exhibits #1-22 were moved into evidence by Solicitor Becker. Thereafter, Mr. Moll presented an overview and explanation for the hearing. The applicant is proposing an Aldi supermarket inside the existing Kohl's store, which would take up roughly 29 percent (29%) of the Kohl's building. They are asking to eliminate 14 parking spaces on the parking lot, from 467 to 453 spaces, and amend the use to include a supermarket. Waiver requests include a waiver of the PRD sign regulations for Aldi, and because the location of the loading dock was changed, it was necessary for the applicant to request a waiver of the 30 foot set back requirement. (Exhibits B23, 24, 25, 26 were entered into the record.) The Planning Commission has recommended that the Board of Supervisors grant the amendments to the tentative plan and grant the requested waivers.

Attorney Davis added that the parking spaces are well in excess of what is required. He entered the Parking Study and Traffic Study into evidence as well as other exhibits, Exhibits A-1 through A-9. There were no comments or questions from the public and no further questions from the Supervisors. Mr. Pierce (Aldi) and Mr. Meyers (Landcore) were introduced.

The public hearing was adjourned at 7:30 p.m.

**Kohl's/Aldi – Tentative Plan Amendments:** Solicitor Becker introduced a condition for approval, submitted by the neighboring property owner, that materials shall be stored inside the loading dock. Following discussion concerning a dumpster and testimony by Mr. Pierce, confirming there would be no unsightly trash stored outside, a motion was made by Mr. Oswald, second by Mr. Myer, approving the amendments to the PRD Tentative Plan, as requested, with no condition. Upon roll call, all Supervisors present voted affirmatively. Written decision in 45 days.

**PARKS AND RECREATION DEPARTMENT:**

**ADA Improvements Project – Payment Application #1:** A motion was made by Mr. Oswald, second by Mr. Myer, approving Payment Application #1, from Construction Masters Services, LLC, in the amount of \$110,154.17 for installation of accessible paths at Cornwall Terrace and Midvale Manor Parks. Upon roll call, all Supervisors present voted affirmatively.

**PUBLIC WORKS DEPARTMENT:**

**2019 Roadwork – Payment Application #3:** As recommended by the Infrastructure Committee, a motion was made by Mr. Myer, second by Mr. Oswald, approving Payment Application #3, from Construction Masters Services, LLC, in the amount of \$472,579.21, for work performed on Village Drive, Kathleen Lane, Riegel Avenue, and storm sewer work on Lincoln Avenue. Upon roll call, all Supervisors present voted affirmatively.

**Sewer Cleaning and Televising Intergovernmental Agreement – Sinking Spring and Spring Township:** A motion was made by Mr. Oswald, second by Mr. Myer, approving an intergovernmental agreement between Sinking Spring Borough and the Township of Spring for cleaning and televising of the Reedy Road line from Penn Avenue to Sinking Spring. Upon roll call, all Supervisors present voted affirmatively. (COSTARS)

**Entech Engineering – Residential High Flow Response Plan:** Mr. Miller reported their investigations revealed some issues in the sewer system. Corrections were made and immediate improvements were apparent. Other repairs are needed and will be addressed as P. Darrah sees appropriate. Manholes were inspected in Lincoln Park, Drexelwood and West Wyomissing and were found to be basically in good repair. To test the integrity of the system, smoke and dye testing will be performed. Consideration should be given to increasing the capital to maintain the sewer system.

**ENGINEERING:**

**Broadcasting Square Redevelopment – Final Plans:** As recommended by the Planning Commission, a motion as made by Mr. Myer, second by Mr. Oswald, granting conditional approval for the Broadcasting Square Redevelopment final plans, with conditions, as set forth in Mr. Moll's review letter, dated November 7, 2019:

- a. The conditions imposed by the Board of Supervisors at their July 22, 2019 public hearing must be listed on the plans.
- b. The plan scale waivers should be noted as approved by the Board of Supervisors at their public meeting on October 15, 2019, Sections 402(A), 403(A) and 403(C)(1)(b).
- c. The plan should list that the waiver of the minimum pipe size specified under the Stormwater Management Ordinance was granted at the same meeting.
- d. The project site should be indicated on the drawing showing the boundaries of the entire shopping center, Section 403(A)(2).
- e. The plan should indicate the installation of the two proposed concrete monuments along the Paper Mill Road frontage in the vicinity of the proposed project, Section 403(A)(8).
- f. Evidence should be provided that the utility easements established under the previously recorded Spring Ridge North Plan have either been properly extinguished, subordinated or that they cause no conflicts with the improvements shown on the revised plans, Section 403(A)(9).
- g. Any review comments from the Department of Public Safety must be adequately addressed, Section 403(A)(10).
- h. The following conditions relate to the sanitary sewers, Section 403(A)(10):
  - 1) The applicant must provide evidence of the sewage capacity that has been reserved for the shopping center.

- 2) The actual sewage flows from the site, based upon water meter readings, must be reconciled with the reserved sewage capacity.
- 3) Except for Orange Theory and the relocated Panera Bread, no occupancy permits shall be issued for any uses not currently operating at the Broadcasting Square shopping center until the sewer capacity reconciliation is completed. Upon completion of the of the sewer capacity reconciliation, Developer/Owner shall be responsible to purchase all sewer capacity necessary to service the current uses at the shopping center if the sewer capacity reconciliation identifies a deficiency in sewer capacity for the existing uses. Furthermore, Developer shall be responsible to notify Township of all new future uses and future change of uses and to purchase such additional sewer capacity as may be required to service such new or changed uses prior to the issuance of occupancy permits for such uses.
- 4) The Township shall conduct an annual review of the total sewage flows generated by the uses located within the Broadcasting Square Mall to determine if the Developer/Owner maintains sufficient sewer capacity to service the uses located within the Shopping Center. To the extent that the sewage flows generated by the uses exceeds the amount of sewage flow owned/reserved by the Developer/Owner, the Developer/Owner shall be required to purchase within 30 days of completion of the Township's review, all additional required sewage capacity from the Township. If at any time Developer's/Owner's owned/reserved sewage capacity exceeds the needs of the then current uses located within the Shopping Center, the Township shall have the right, in its sole and absolute discretion, but not the duty to repurchase from the Developer/Owner any unused owned/reserved sewer capacity at the price for which such capacity was purchased by the Developer/Owner from the Township.
- 5) The sanitary sewer review comments from Entech Engineering included in the Engineering Department review letter of November 7, 2019, must be addressed.
  - i. The Certification of Ownership must be signed and notarized, Section 403(A)(13).
  - j. A copy of the letter of adequacy from the Berks County Conservation District for the erosion and sediment pollution control plan must be provided, Sections 403(A)(14), 403(B) and 609.
  - k. The Certification of Accuracy must be signed and sealed, Section 403(A)(23).
  - l. The applicant should contact management of the adjoining Homewood Suites Hotel in order to avoid possible future issues relating to the proposed site lighting, Section 611.
  - m. The applicant must enter into a municipal improvements agreement with the Township and must post adequate financial security for the proposed improvements, Section 701.
  - n. Any outstanding Township invoices must be paid.

Mike Gombar Esq. (Masano Bradley) asked two questions, which were clarified. Upon roll call, all Supervisors present voted affirmatively.

**3 Meridian Boulevard – Schedule Hearing:** Because the Tentative Plan for the PRD must be amended in order to accommodate a daycare facility, a motion was made by Mr. Oswald, second by Mr. Myer, authorizing the Solicitor to advertise the 3 Meridian Boulevard public hearing for December 9, 2019, at 7:15 p.m., unless an extension of time is requested by the applicant. Upon roll call, all Supervisors present voted affirmatively.

**PUBLIC SAFETY:**

**Police Department:**

**Conditional Offer of Employment:** A motion was made by Mr. Oswald, second by Mr. Myer, granting permission for Chief Ross to extend a single conditional offer of employment for a police officer to replace an officer who has retired. Upon roll call, all Supervisors present voted affirmatively. (Budgeted Item)

**Township of Spring Fire Rescue Service:**

**Formal Offer of Employment:** Having completed all background checks and pre-employment physical, a motion was made by Mr. Oswald, second by Mr. Myer, extending a formal offer of employment to Brian Kissinger for the position of part-time fire safety inspector, at \$20.00 per hour. Upon roll call, all Supervisors present voted affirmatively.

**Monthly Report:** During the month of October, 2019, Chief Hackman reported 267 responses consisting of 106 medical motor vehicle accidents and 161 fire incidents, gave aid 53 times and received aid 49 times. Fire prevention continues all year, however, September and October are the busiest months. During that time, the TSFRS touched base with over 2,655 students and adults.

**SOLICITOR:**

**Authorization to Amend and Advertise Sewer Ordinance:** As recommended by the Infrastructure Committee, a motion was made by Mr. Myer, second by Mr. Oswald, authorizing the Solicitor to advertise and amend the Sewer Ordinance so that sewage flow for apartment uses, with over 10 units, would be considered as commercial uses, with one bill, using gallons rather than EDU's. Upon roll call, all Supervisors voted affirmatively.

**CMS Zoning Decision Appeal:** A motion was made by Mr. Myer, second by Mr. Oswald, approving the filing of the Notice of Intervention by the Solicitor. Upon roll call, all Supervisors present voted affirmatively.

**NEW BUSINESS:**

**Employee Job Descriptions:** Work continues on updating job descriptions.

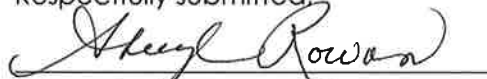
**Outsourced Website Maintenance:** Vice-Chairman Stuck requested more information on this position.

**ANNOUNCEMENTS:**

1. An Executive Session was held prior to the meeting on matters of litigation.

There being no further business, Vice-Chairman Stuck adjourned the meeting at 8:00 p.m.

Respectfully submitted,

  
Sheryl Rowan, Township Secretary