



TOWNSHIP OF SPRING

BERKS COUNTY, PA

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BOARD OF SUPERVISORS MEETING MINUTES May 9th, 2022

OPENING OF MEETING: A regular business meeting of the Board of Supervisors was called to order by Chairperson Stuck at 7:02 p.m. on Monday, May 9th, 2022 in the Public Meeting Room of the Township of Spring Administration Building, located at 2850 Windmill Road, Spring Township, Berks County, Pennsylvania.

ROLL CALL: Upon roll call, Supervisors Stuck, Kocher, Smith, Royer, and Wertz were present. Also present were: John Groller, Mary Burkholder, Paul Darrah, Jen Bensinger, Judy Houck, Aaron Wozniak, Jim Moll, Chief Powell, Chief Hackman, Dan Becker Esq; Terrence Naugle-Great Valley Consultants, Laura Kauffman, Adaila Rios, Tiana James, Nathan White, and Deb Bensinger. Aristides Otero, Kevin Brown, and William Koch Jr attended via ZOOM.

OPEN TO THE FLOOR: Nathan White, of 3016 Grandview Boulevard, addressed the Supervisors asking if they considered his request to change the Township from a 2nd Class Township to a 1st Class Township.

Mr. Becker stated that the Township has reviewed the concept previously and determined it was not in the best interest of the Township or the residents. A key issue is that a 1st Class Township requires adhering to the Civil Service Commission Regulations, making hiring staff more difficult.

Mr. White asked when the Township had previously reviewed the possibility of changing the Township's class and requested that the option to switch to a 1st Class Township be put on the ballot for voters to decide. Mr. Becker stated that changing the Township's class is a decision for the Supervisors, not for a vote.

Mr. Stuck stated that the Board is not interested in reviewing a change in the Township's Class.

Mr. White said that he would prepare a petition. Mr. Royer suggested that the voters initiate the process rather than a petition process.

Mr. Kocher asked what the benefits were. Ms. Smith requested that Mr. White provide a list of benefits for the Township to make the change in class.

AMENDMENT TO THE AGENDA- None

ACTION ITEMS FOR APPROVAL: All items requiring action by the Board are listed below. Comments and discussion points are listed under the corresponding item.

1. Meeting Minutes-April 25th, 2022
2. List of Bills for Approval
 1. **General Fund - \$460,997.14**
 2. **Street Lighting Tax Fund-\$25,357.21**
 3. **Fire Hydrant Tax Fund- \$8,637.75**
 4. **Refuse Tax Fund- \$110,239.78**
 5. **Sewer District #3 Fund-\$266,831.29**
 6. **Fire Protection- \$91,161.15**
 7. **Capital Fund- \$2,217.85**

Mr. Groller stated that the bills for approval include the County Dispatch Fees of \$325,000.00 for police, fire, and ambulance services. The bill list included the semi-annual debt service in the amount of \$292,000.00.

Mr. Stuck stated that Berks County is one (1) of only two (2) counties in Pennsylvania that pays the County Dispatch Fee.

3. Wilson School District Graduation- Parade & Fireworks Approval

Mr. Groller stated that the Wilson School District (WSD) had requested approval for fireworks and the proposed parade route for the graduation ceremony scheduled for Friday, June 3rd, with a rain date of Saturday, June 4th. Mr. Groller asked the Board of Supervisors if they would like to waive the permit fee. Mr. Stuck asked what the Township had done previously regarding the permit fee. Chief Hackman confirmed that the Township waived the operational permit fee last year and charged for overtime as an apparatus must be at the event during a fireworks display. Chief Powell stated that the police department would have several officers at the event, and WSD would be billed for overtime hours.
4. Wilson School District Land Development Plan Extension of Time Request

Mr. Moll stated that the WSD would postpone the building addition and the athletic field improvements and has submitted an extension of time to the Township, which will expire on June 14th, 2022.
5. HVAC System Replacement

Ms. Houck stated that bids were opened for the HVAC System Replacement Project for the Township Administrative Building last week. One (1) bid from The Warko Group was received for \$205,850.00. Ms. Houck submitted the bid tabulation sheet and a letter from Mr. Naugle of Great Valley Consultants recommending approval of the contract, along with an outline of efforts taken to obtain other bids.

Ms. Smith asked how old the current HVAC units are. Ms. Houck said that they are 24+ years old.

ACTION ITEMS FOR APPROVAL: *(Continued)*

5. HVAC System Replacement *(Continued)*

Mr. Stuck asked if the Township put the project out to bid more than once. Ms. Houck confirmed that the Township put the project out to bid once and that the Township only received one (1) bid. Mr. Stuck said he would like to see the project bid a second time.

Ms. Smith asked for an outline of the steps taken for the first bid. Mr. Naugle said that the bid went out on Monday, April 18th. On Wednesday, April 20th, Mr. Naugle said he contacted six (6) bidders when no one picked up a bid packet. When the Township advertised the following Monday, no additional bidders responded. Mr. Naugle said he spoke with Alltemp Enterprises from Mohnton and Worth & Company from Lancaster County, noting that both companies said that they are very busy with large projects.

Mr. Stuck asked Mr. Naugle if he spoke with anyone from Landis Mechanical. Mr. Naugle stated that he sent them an email with a notice and a project description.

Ms. Smith asked if the bid was reasonably priced. Mr. Naugle stated that the bid came under budget, approximately \$15,000.00 less.

Ms. Houck noted that EPA regulations are changing in June 2022, and the bid from The Warko Group is in compliance.

Mr. Naugle confirmed that the bid is valid for sixty days. If the Township decided to re-bid, staff would send out a second notice, receive bids in early June, and come back to the Board for approval the following meeting.

Mr. Kocher questioned if the Township would still be in the sixty-day window for this particular bid from The Warko Group. Ms. Houck stated that this bid would need to be rejected and re-bid. Ms. Houck confirmed that the Township has difficulty getting parts, and the system's life is on its last leg. Ms. Smith asked if the new computer software was compatible with the new system. Ms. Houck confirmed that the computer software is compatible.

6. Salary Adjustment-Finance Coordinator

Mr. Groller and Ms. Reardon request a salary increase for the Township's Finance/Customer Service Coordinator from \$52,500.00 to \$56,000.00 based on her six (6) month evaluation and exemplary job performance.

7. Engineering Proposal for the Police Station

Chief Powell stated that the proposal from Entech Architectural Services, Inc. is an updated work order for engineering services for the installation of new windows, drainage renovations, and the repair or replacement of the exterior columns. The updated work order is in the amount of \$39,750.00.

Ms. Smith asked how long the guarantee covers the building from possible future leaks. Chief Powell said that he would ask, but he noted that the pipe from where the leak originated would not be an issue again because, with the porch replacement, the pipe will be cut and capped, which should eliminate the potential of any future leaks occurring.

ACTION ITEMS FOR APPROVAL: (Continued)

7. Engineering Proposal for the Police Station (Continued)

Motion to approve Action Items #1-7 was made by Mr. Kocher, seconded by Mr. Royer.

Upon roll call vote, Mr. Royer and Mr. Stuck voted no on Action Item #5, Ms. Smith abstained from payment on check #106393, and Mr. Wertz abstained from Fund #14.

All Supervisors present voted affirmatively on Action Items# 1-4, #6 & 7,

Action Item #5 passed by a vote of 3-2. MOTION CARRIED

TOWNSHIP DIRECTORS

A. Zoning/Building Codes Department

Mr. Wozniak presented the monthly report for April.

1) Mr. Wozniak said that the updated On-Lot Sewer System Ordinance is near completion for advertisement.

2) The Pennsylvania Building Code has been updated to the 2018 version. The Township has the updated books available for public reference.

Mr. Royer stated that he had heard more about No Mow May this year and asked Mr. Wozniak if the Township received more complaints regarding tall grass. Mr. Wozniak said that he had not seen an increase, noting that the bulk of complaints that the Township gets in the summer is for grass and weeds. Mr. Wozniak explained when the Township receives complaints about high grass (8" and higher), a notice of violation is issued stipulating seven (7) days to comply. After seven (7) days, the Township sends a contractor out to cut the grass.

Mr. Stuck asked Mr. Wozniak if the Township has recently received complaints about the property between the Ranch House and Enterprise, noting that more automotive work is occurring at the location and there is an accumulation of rubbish in the rear of the property. Mr. Wozniak stated that the Township spoke with the Fire Department due to a recent fire call at the location, and there are new concerns with the rubbish issues. Staff reported the issues to the Township's Third-Party Service. Mr. Wozniak said that the fines, citations, and a civil complaint had been issued to the property owner and that staff would investigate the conditions at the property.

B. Parks and Recreation Department

Ms. Houck submitted a memo to update the Board of Supervisors on the status of playground reservations.

C. Engineering/Planning Department

At last week's meeting, Mr. Moll stated that the Planning Commission reviewed the following four (4) items.

1. 55 Saddle Court- Variance

Ms. Bensinger stated that Mrs. Kauffman, owner of the property, would like to install a two (2) story addition at the rear of the house. The Kauffmans will use the first story addition proposal for storage with an enclosed concrete floor.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

1. 55 Saddle Court-Variance (Continued)

The second story of the expansion is presented as a living space and will exit out onto an ADA ramp. Currently, the right side of the property has a sanitary sewer, twenty (20) ft sanitary sewer easement. The driveway and pull-in garage is on the property's left side. Ms. Bensinger said there is not a "Spot Survey" for the home, so setback distances from the property lines are unknown. Ms. Bensinger noted that the house is relatively close to the required thirty (30) ft rear yard setback. The addition will come out of the house and penetrate the thirty (30) ft required rear yard setback by twelve (12) ft, ending up eighteen (18) ft from the rear property line instead of the required thirty (30) ft. The applicant is requesting relief from this requirement.

Ms. Bensinger reviewed the sketch that displays the slope on the property that slopes downward from Saddle Court and continues down to Sage Drive. Ms. Bensinger said she calculated the slope to be 17 ½ % because it is over 15%; it is considered a steep slope, and there is a concern for stormwater issues with stormwater flowing to properties downstream.

Mr. Moll stated that if the Board of Supervisors recommends approval to the Zoning Hearing Board, he recommends including a condition to require a stormwater analysis to the satisfaction of the Township engineering staff. The Planning Commission recommended approval to the Zoning Hearing Board with the stormwater analysis condition.

Mr. Moll recommends an additional condition due to the lack of a "Spot Survey" that the applicant confirms that the information provided and the home's location are accurate.

Ms. Smith asked where the water runoff goes in the back of the house. Mrs. Kauffman said that the runoff exits the left side of the property by the driveway and that there had not been issues with water runoff.

Mrs. Kauffman said that the house has a deck on the back of the house that extends ten(10) ft, and the proposal will add four(4) ft. Mrs. Kauffman said she would use the room for large family gatherings and add an ADA ramp. The front of the house has an ADA ramp, and she would like another one in the back in the event the area in the front of the house is not accessible.

Motion to recommend approval to the Zoning Hearing Board of the requested variance for 55 Saddle Court was made by Ms. Smith and seconded by Mr. Kocher with the following conditions:

- 1) The applicant confirms the property's dimensions*
 - 2) The Township engineering staff is satisfied with a stormwater management analysis.*
- Upon roll call, all Supervisors present voted affirmatively. MOTION CARRIED.*

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

2. 2125 Portland Avenue- Variance & Special Exception Requests

Mr. Moll reviewed the request for a Special Exception for an autobody repair shop. The applicant has amended the application to include a variance. The application must be reviewed again by the Planning Commission and the Board of Supervisors for recommendation to the Zoning Hearing Board. The Planning Commission and the Board of Supervisors had reviewed the initial request and recommended that the Zoning Hearing Board deny the Special Exception request. The Planning Commission reviewed the amended application last week and reaffirmed their previous recommendation not to approve the request.

Mr. Moll said that when the Board of Supervisors initially reviewed the application, the recommendation from the Board was the following:

- 1) Not to approve the Special Exception request.
- 2) If the applicant submits a Variance request, the Board of Supervisors recommends against approval.

The Board agreed to stay with their previous action to recommend to the Zoning Hearing Board that they deny the Variance request for 2125 Portland Avenue.

3. Broadcasting Square West- Final Plans

Mr. Moll stated that this portion of Broadcasting Square is where the former Babies "R" US was located. The plan is the Final Plan for the redevelopment of that area. The project was previously approved, but it did not get recorded, and the conditions on the plan were not met as the pandemic kicked in at that time and put everything on hold. The applicant has come back to the Township with a revised plan, adding an Outback Steakhouse in the location rather than the previously proposed Panera Bread. Mr. Moll stated due to the revision, it is prudent that the Planning Commission and the Board of Supervisors review the plan again and decide if they still wish to approve it. Mr. Moll said that the applicant had taken care of all the conditions set when the plan was previously approved. The Planning Commission reaffirmed its approval for the Final Plan.

Ms. Smith asked if there is sufficient parking for an Outback Steakhouse in the proposed location. Mr. Moll confirmed that there is adequate parking and that, for the most part, they are governed by an overall standard for the entire shopping center. The previous plan that initially proposed a Panera Bread had a drive-thru included. There will be a reduction in paving with the Outback Steakhouse, noting that the building size is approximately the same.

Motion to approve the revised Final Plans for the redevelopment of the western portion of the existing part of the Broadcasting Square Shopping Center to include the Outback Steakhouse was made by Ms. Smith, seconded by Mr. Kocher. Upon roll call, all Supervisors present voted affirmatively. MOTION CARRIED

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

4. 2834 Shillington Road-Variance Request

Mr. Moll reviewed the Zoning Hearing Board variance request for 2834 Shillington Road, the property directly to the west of the Township Administrative Building. The applicant proposes to move their current flower shop, Acacia, in Wyomissing, to this location that contains two (2) buildings. The rear building will be the store, and the front building will be used for storage. The applicant is requesting a variance because the Township's Zoning Ordinance requires a minimum of a one (1) acre lot area for a retail store with a driveway onto an arterial street. Mr. Moll stated that this existing lot is slightly less than half an acre. The Planning Commission reviewed the request and recommended that the Zoning Hearing Board grant the variance.

Ms. Smith asked if there was adequate parking for the business in the proposed location. Mr. Moll stated that the applicant demonstrated that there is sufficient parking.

Ms. Rios said that she anticipated the traffic at the flower shop would be less than the previous occupant of the building, Mac Employment Services. Ms. Rios said that 85% of the business is on the phone and online. The front building will be Ms. Rios's office and storage, eliminating the issue of using their vehicles and home as storage for the business and having all of their inventory in one (1) location.

Mr. Stuck asked if Ms. Rios would like to explain some of the renovations planned for the property. Ms. Rios said that for the building to the rear, she would like to double the size of the existing window and renovate the front door into a glass door. She would also like to paint the sign and replace the front porch as the wood is decayed. Ms. Rios said the rear building would have an open floor plan to provide room for their large cooler. Ms. Rios said she would like to remove the existing shed in the back, install a small greenhouse, and add landscaping around the property.

Motion to recommend to the Zoning Hearing Board approval of the variance request at 2834 Shillington Road for Acacia's Flower Shop was made by Ms. Smith, seconded by Mr. Kocher. Upon roll call, all Supervisors present voted affirmatively. MOTION CARRIED

D. Finance Department – No Report

E. Human Resources – No Report

F. Public Works– No Report

PUBLIC SAFETY

A. Police Department -No Report

B. Township of Spring Fire Rescue Services – Chief Hackman presented the monthly report for April.

C. West Side Regional EMA – No Report

SOLICITOR – No Report

OLD BUSINESS: – None

NEW BUSINESS: – None

ANNOUNCEMENTS:

1. An Executive Session was held prior to this meeting to discuss matters of personnel, real estate, and potential litigation.
2. The Vision Meeting will be held at 8:00 a.m. on Friday, May 20th, 2022
3. The next Board of Supervisors Meeting will be held at 7:00 p.m. on Monday, May 23rd, 2022.

ADJOURNMENT:

There being no further business, Chairperson Stuck adjourned the meeting at 7:51 p.m.

Respectfully submitted,



Mary L Burkholder
Township Secretary