



TOWNSHIP OF SPRING

BERKS COUNTY, PA

2850 WINDMILL ROAD
SINKING SPRING, PA 19608
Tel. (610) 678-5393
Fax. (610) 678-4571
www.springtwpberks.org

BOARD OF SUPERVISORS MEETING MINUTES

MAY 8TH, 2023

OPENING OF MEETING: Chairperson Stuck called a regular business meeting of the Board of Supervisors to order at 7:10 p.m. on Monday, May 8th, 2023, 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, and Wertz were present. Mr. Royer attended via teleconference. Ms. Smith was not in attendance. Also present were: John Groller, Mary Rossi, Jen Bensinger, Judy Houck, Aaron Wozniak, Chief Powell, Jim Moll, Tami Trout, Jeff Simcox on behalf of Wilson School District, Greg Bogia of Bogia Engineering, and Todd Stewart. Chief Hackman, Dan Becker, Esquire, Jeff Shyk, and Angel Clemente attended via ZOOM.

AGENDA AMENDMENTS: None

OPEN TO THE FLOOR:

Tami Trout, 3701 Regency Drive, addressed the Board, stating that she owns several parcels behind her house on Southwick Avenue. She said that a couple of years ago, the Township denied her and her husband's request to put a pole barn in the back of their house. Ms. Trout said that Mr. Wozniak denied their request because their properties must be on one (1) deed. She has since found out from a surveyor that the properties cannot be joined as there is a road (paper road) between her property on Regency Drive and Southwick Avenue. Ms. Trout said her husband passed away from COVID last year, and she has to sell her house. Ms. Trout said she would like to keep the property behind her home to store her 42 ft 5th wheel camper and Dodge Dually truck. Ms. Trout stated that her camper is oxidized and has water damage underneath one side and wear due to being out in the elements. Ms. Trout noted that a neighbor has a pole barn that is falling, and it is an eyesore. She mentioned that she maintains her property well, including mowing and pulling weeds on Southwick Avenue. Ms. Trout requested that the Board of Supervisors allow her to build a pole barn to store her "stuff" out of the elements.

Mr. Wozniak stated that the Township's Zoning Ordinance prohibits an accessory structure without a principal structure. Mr. Becker said that since this is a zoning ordinance issue, it is up to someone other than the Board of Supervisors; the request must go to the Zoning Hearing Board. The Zoning Hearing Board is quasi-judicial, and Ms. Trout can request to establish a hardship with the Zoning Hearing Board, as they are the Board that makes that decision. Mr. Moll explained to Ms. Trout the Zoning Hearing Board application process and what the application fee covers.

OPEN TO THE FLOOR: *(Continued)*

Tami Trout, 3701 Regency Drive *(Continued)*

Mr. Becker suggested Ms. Trout hire an engineer or an attorney or make an appointment with Mr. Wozniak to go over her options, explaining that this meeting is not the appropriate time or place to try to decide what she will do with her property, noting that the Board of Supervisors Meeting is for the Board of Supervisors to conduct the business of the Township.

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. Minutes from April 24th Meeting
2. List of Bills for Approval
 1. **General Fund - \$162,303.47**
 2. **Fire Hydrant Tax Fund - \$9,946.03**
 3. **Refuse Tax Fund- \$120,274.12**
 4. **Sewer District #3 Fund - \$230,855.64**
 5. **Fire Protection- \$ 26,958.49**
3. Formal Offer of Employment-Full Time Fire Inspector

Mr. Groller requested authorization to hire Kenneth Imes, Jr as a full-time fire inspector, who has completed the background screenings required by the Township at an annual salary of \$58,000.00.

Chief Hackman confirmed for Mr. Stuck that Mr. Imes would be working under Fire Marshal/Fire Code Official Troy Hatt, and Chief Hackman will oversee Mr. Hatt.
4. Time Extension- 10 Beaver Road Mini Storage

The current Preliminary Land Development Plan expires May 31, 2023. The extension will expire December 31, 2023.
5. West Lawn Park-Accessible Access Project-Phase 1

Ms. Houck stated that the Parks and Recreation Board recommends proceeding with Phase 1 of the ADA Path Project at the West Lawn Park to comply with State and Federal guidelines.
6. Oaks Trail Pedestrian Access Project

Ms. Houck reviewed her outline in her memo to the Board, stating that the issue was discussed with the Parks and Recreation Board, Greenways and Trails Committee, the Township Traffic Sergeant-Todd Peterson, the Township's Traffic Engineer, and the Transportation Advisory Committee. Ms. Houck said that the Transportation Advisory Committee met twice about this subject and recommended that the Township does not proceed with the Traffic Study but that the Township install cautionary signs such as "Park Entrance" or "Pedestrian Crossing" in the area of this intersection. Mr. Royer thanked Ms. Houck for looking into the request and the work that was put in to it.

ACTION ITEMS FOR APPROVAL: *(Continued)*

7. Cacoosing Meadows Park- Kitchen Project

Ms. Houck stated the Great Valley Consultants completed the Floodplain Survey authorized by the Board in order to obtain a Floodplain Permit, which would be required to rebuild at this location. Ms. Houck reviewed the floodway and the floodplain areas and items in those areas.

Mr. Kocher mentioned an area located in the upper region where he said that he previously suggested possibly installing a kitchen and noted that it was said that part of the draw of this park was everything being close to the water. Mr. Stuck asked for clarification that the Township has to ask for Lower Heidelberg Township for zoning relief, and then the Township could build a new structure there in that location. Ms. Houck agreed that is what was explained to her. Mr. Moll & Mr. Wozniak noted issues with obtaining a building permit and the need for a sewer connection.

Ms. Houck stated that she is concerned that the Township has had a building in significant disrepair for four (4) months. Mr. Stuck said the Board would like other options if the Township cannot build a kitchen at this location and asked Ms. Houck to research other locations. Mr. Stuck requested this item be tabled.

8. SEO Appointment

The Supervisors received a letter from the Township's Sewage Enforcement Officer, Allan Madeira of Berks Envirotech Inc, that they will close and not take any new clients after May 31, 2023. Mr. Wozniak said that Berks Envirotech has reliably served the Township since 2006, and it is unfortunate that the company is closing. Mr. Wozniak stated that he reached out to a Sewage Enforcement Officer (SEO) that he knows very well, Scot McCaffrey of Systems Design Engineering, Inc., and said that he would be able to take on the Township's sewage enforcement, which typically does not exceed six (6) permits a year. The hourly professional rate is \$65.00 hr. Mr. McCaffrey has been an SEO for over twenty (20) years, and Mr. Wozniak stated he had known him for that length of time and recommends appointing Mr. McCaffrey as the Township's new SEO effective June 1, 2023. Mr. Wozniak confirmed for Mr. Stuck that the rate is comparable and is an excellent professional rate.

9. West Lawn UMC Street Closure Request

Chief Powell said that this year Vacation Bible School is June 5th thru June 8th from 5:00 p.m.-9:00 p.m. West Lawn UMC is requesting to close Noble Street from the corner of Woodside Avenue. They do not require police assistance; however, the Dept. of Public Works provides some barricades.

10. Contract Award-Police Building Repairs

Mr. Groller stated that Entech Engineering, Inc. handled the bidding process for the building repairs at the police station. Entech recommends awarding the bid to Purcell Construction Company at the cost of \$408,925.000, contingent upon providing the remaining information to the engineer by Purcell.

ACTION ITEMS FOR APPROVAL: (Continued)

11. Fencing Proposal Award for Goose Lane Yard Site

Mr. Groller stated that the proposal had been reviewed by both staff and project managers assisting with this enclosure, and the recommendation is to approve the proposal from the Security Fence Company for a total cost of \$69,250.00, noting the purchase is through COSTARS.

12. Job Description-Information Systems Manager-Tabled

Motion to approve Action Items #1-6 and #8-11 was made by Mr. Kocher, seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively. Mr. Wertz abstained from voting on the payment of Fire Fund #14 and Action Item #3. Mr. Stuck abstained from payment of checks # 108854 & 108885. MOTION CARRIED.

TOWNSHIP DIRECTORS

A. Zoning/Building Codes Department- Mr. Wozniak submitted his monthly report for April, noting that he added a new item to list the number of applications under review, which is currently eighty-six (86). The Department received fifteen (15) residential solar roof project permit applications in April. Mr. Wozniak confirmed for Mr. Stuck the sewer issues with CVS, noting that the latest incident was the fourth time, so the issue was sent out to our third party for enforcement. When their sewer clogs, it comes out of a clean-out and leaks onto the street. Mr. Wozniak stated that CVS needs to look at its practices to stop this issue.

B. Parks and Recreation Department-Ms. Houck announced an Open House at the Red Caboose this Saturday, May 13th, from 10:00 a.m. to 2:00 p.m.

C. Engineering/Planning Department

1) Transportation Ordinance/Signage Project

Mr. Moll stated that Mr. Darrah directed staff to change signage throughout the Township to meet the new criteria established by the State. While doing so, staff discovered that a number of traffic control signs do not agree with Township regulations. The Transportation Advisory Committee suggested staff meet to determine how this can be corrected. Mr. Moll said that staff met and devised a plan to inventory all the signs in the Township and ultimately get them posted according to the Township's Traffic Ordinance. Mr. Moll explained the benefits of the study, such as determining where the signs are located, obtaining the GPS coordinates, and plotting the data into the GIS System. Because the task will be such a large undertaking, the Transportation Advisory Committee recommended that the proposed project be brought to the Board of Supervisors for authorization and recommended purchasing a second GPS unit. The Township currently has one that staff uses to obtain coordinates on sanitary sewers, storm sewers, signs, etc., and it is used heavily, especially by the sewer department.

Ms. Bensinger has obtained prices for a new GPS hand-held unit with a built-in receiver, and due to new technology, it requires TerraFlex Software. Ms. Bensinger said that the Township's existing GPS unit still works, provides accurate readings, and that we may continue using it. The total for the hand-held unit, spare battery, and TerraFlex software is \$10,220.50.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

1) Transportation Ordinance/Signage Project (Continued)

Mr. Moll confirmed for Mr. Kocher that most of the issues are signs that do not match up with the current ordinance, noting that additionally, signs in the southern end of the Township where it is not so built up, signs are not posted, or they are different than what the Township says the speed limit is. Ms. Bensinger confirmed for Mr. Stuck that both systems could be layered on our existing GIS. Ms. Bensinger confirmed for Mr. Wertz that there is no trade-in value for the current unit; we can still get parts and repairs for it, negating the need to purchase two (2) new units.

Motion to authorize staff to start the Traffic Ordinance/Signage Project and purchase the new GPS Unit and TerraFlex Software needed for the project was made by Mr. Kocher, seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively.
MOTION CARRIED

* Mr. Moll changed the order of the Agenda to accommodate those in attendance.

2) Helping Harvest Parking Addition -Land Development Plans

Mr. Moll stated that the Planning Commission recommended that the Board of Supervisors grant Preliminary Plan Approval for Helping Harvest Food Bank based on conditions outlined in the Engineering Department's review letter dated May 3, 2023.

The conditions are:

- A. The replacement of the existing trees that will be lost by the parking lot construction with an appropriate planting screen wherever new parking spaces are proposed.
- B. Resolution of the apparent discrepancy in the R/W of the Morgan Drive location as shown on the plans.
- C. The existing junction boxes and the full extent of the existing storm sewer pipes located on the property should be shown at the western end of the property.
- D. All review comments under Stormwater Management must be adequately addressed at the Final Plan stage.

Motion to grant Preliminary Plan Approval to Helping Harvest Food Bank with noted conditions as outlined in the Engineering Department's review letter dated May 3rd, 2023 was made by Mr. Wertz, seconded by Mr. Kocher. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED.

3) Wilson School District Building Addition & Renovations-Land Development Plan

Mr. Moll reviewed the revised proposed project previously submitted by the Wilson School District (WSD). The proposed improvements to the athletic fields have been removed from the plans. The proposed building addition has been reduced by nearly two-thirds and would no longer cause the loss of spaces in the existing parking lot. Mr. Moll said that the WSD is instituting a procedure to minimize concurrent special events to lessen parking and traffic issues. WSD has requested a waiver of the requirement for this project to do a Traffic Study. The Planning Commission (PC) recommended approval of the waiver of a Traffic Study due to the downsizing of the project and the fact that the district is trying to minimize the overlapping of school functions.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

3) Wilson School District Building Addition & Renovations-Land Development Plan (Continued)

Mr. Simcox stated that the district bought a program called Event Manager that they are implementing this summer. The program will flag someone when they attempt to schedule an event when other events are scheduled. All the departments and entities can view the schedule in this program, which will avoid planning more than two (2) events simultaneously.

Mr. Moll said that the second recommendation from the PC is to approve the Preliminary/Final Plan with noted conditions as outlined in the Engineering Department's review letter dated May 4, 2023.

The conditions included:

- A) The review of the revised plan by the Fire Marshal.
- B) Review of the revised plan by the Infrastructure Committee and the Township's engineering consultant for sanitary sewers.
- C) Review of the revised plan by the water company.
- D) The plan is to contain all necessary signatures, seals, and notarizations
- E) All outstanding issues under Stormwater Management in the May 4, 2023 review.

In addition to those recommendations, the PC recommends:

- F) Execution of a Municipal Improvements Agreement
- G) Payment of any outstanding Township Invoices

Motion to approve the Traffic Study Waiver request and the WSD's Preliminary/Final Plan with noted conditions as outlined in the Engineering Department's review letter dated May 4, 2023, was made by Mr. Wertz, seconded by Mr. Kocher. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED

4) 31 Montello Road Variance Request

Mr. Moll reviewed the applicant's request to erect four (4) 2-story duplexes, resulting in eight (8) new dwelling units with a parking lot and a combined access drive out to Montello Road. Mr. Moll explained the Township regulations and said that the applicant had provided the Township with the hypothetical lines dividing the property into four (4) parcels. The issue is that it would only meet some of the Township standards, noting that there are three (3) regulations from which the applicant would need relief if this were an actual subdivision.

Mr. Moll explained the regulations and how they would not comply with them, including the street frontage requirement, minimum lot width, and building access to a public street.

Mr. Moll stated that the applicant requested relief from the requirement that more than one (1) building on a lot has to meet all the standards. The PC recommended that the Zoning Hearing Board grant the requested variance. After a brief discussion, the Board chose not to make a recommendation to the Zoning Hearing Board.

5) Juliana's Restaurant Preliminary Land Development Plans

Mr. Moll stated the Township had requested the plans in response to violations involving alterations to the property and the building without zoning or building permit approvals. The PC recommends that the Board of Supervisors approve Juliana's Restaurant revised Preliminary Land Development Plans based on the conditions outlined in the Engineering Department's review letter dated May 4, 2023.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

5) Juliana's Restaurant Preliminary Land Development Plans (Continued)

- A. The notations on Sheet No. 1 pertaining to building occupancy, seating configuration, sprinkler systems, and previous zoning relief should be changed in accordance with the exhibit provided to the applicant.
- B. The applicant must provide a lighting plan demonstrating that the parking lot will be adequately illuminated over the entire surface, including the rear of the lot.
- C. All review comments under Stormwater Management must be adequately addressed at the Final Plan stage.

Mr. Moll stated that until the Final Plans are approved and recorded, the Codes Department may not issue a permit for the outdoor dining area.

Motion to approve the revised Preliminary Land Development Plans with noted conditions outlined in the Engineering Department's review letter dated May 4, 2023 was made by Mr. Wertz, seconded by Mr. Kocher. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED.

6) Weller II Subdivision-Waiver Requests

Mr. Moll reviewed the waiver requests and said that the Planning Commission recommended that the Board of Supervisors grant the following plan waivers requested by the applicant:

- A. The use of the plan scale of 1"=100', rather than the scale of 1"-50' required by Section 703(B)(2).
- B. To allow Lot 3 to exceed the lot depth-to-width ratio specified under Section 1005(C) by having a width greater than its depth.

Mr. Stuck questioned the small size of lot 3. Mr. Moll explained that lot 3 was what was added to this plan for the purpose to provide access off of Wheatfield Road. The other two (2) lots can have their driveways into the internal streets within Wheatfield Run. Lot 3, because of having to go Wheatfield Road, has a lot of environmental constraints, the site is very steep; there is a creek going through it, and it has wetlands, all the buffers that the Township requires, and a floodway that they must stay out of. Mr. Moll reviewed the Township's steep slope regulations.

Motion to approve the waiver requests requested by the applicant for the Weller II Subdivision was made by Mr. Kocher, seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED

7) Reserve at Gring's Mill-Revision to Plan of Record

Mr. Moll said that the applicant was granted zoning relief from parking setback requirements by the Zoning Hearing Board for twelve (12) additional parking spaces. The applicant is required to change the Recorded Plan to show the additional parking. The applicant submitted the revision of the Plan of Record. The PC recommended that the Board of Supervisors approve the revised Final Land Development Plans.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

7) Reserve at Gring's Mill-Revision to Plan of Record (Continued)

Motion to approve the revised Final Land Development Plans for the Reserve at Gring's Mill was made by Mr. Kocher, seconded by Mr. Wertz. 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 Service-Chief Hackman provided the monthly report for April.

Mr. Royer asked what the special incident call was for. Chief Hackman said that it was most likely weather related when we had the strong wind storm that went through.

C. West Side Regional EMA -No Report

SOLICITOR -No Report

OLD BUSINESS: None

NEW BUSINESS: None

ANNOUNCEMENTS:

1. Representative Johanny Cepeda-Freytiz is having a District Office Grand Opening on Wednesday, May 10th from 3 p.m. to 6 p.m. at the Wyomissing location.
2. There was an Executive Meeting held prior to this meeting to discuss matters of personnel and potential litigation.
3. Next meeting will be held at 7:00 p.m. on Monday, May 22nd, 2023.

ADJOURNMENT:

There being no further business, Chairperson Stuck adjourned the meeting at 8:25 p.m.

Respectfully submitted,



Mary L Rossi
Township Secretary