



# TOWNSHIP OF SPRING

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## BOARD OF SUPERVISORS MEETING MINUTES

**JULY 10, 2023**

**OPENING OF MEETING:** Chairperson Stuck called a regular business meeting of the Board of Supervisors to order at 7:13 p.m. on Monday, July 10, 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 Royer were present. Supervisor Smith and Wertz attended via teleconference. Also present were: John Groller, Mary Rossi, Paul Darrah, Jen Bensinger, Judy Houck, Aaron Wozniak, Chief Powell, Jim Moll, Jason Reichert, Chief Hackman, Dan Becker, Esquire, Boris Pikhtovnikoff, Rick Kemper, Cathy Kemper, Beth Kohl of Barley Snyder, Yuki Morgan, and Dale Morgan. Lisa Drebushenko and mkege attended via ZOOM.

**AGENDA AMENDMENTS:** Mr. Groller requested to add an action item, Action Item #6-to accept the resignation of Fire Captain Kenneth McCardell III.

*Motion to amend the agenda was made by Mr. Kocher and seconded by Ms. Smith. Upon roll call vote-Mr. Kocher-Yea, Ms. Smith-Yea, Mr. Stuck-Yea, Mr. Royer-Yea, Mr. Wertz-Abstained. The motion passed by a vote of 4-0-1. MOTION CARRIED*

### **OPEN TO THE FLOOR:**

Boris Pikhtovnikoff, 548 Fritztown Road, stated that he has lived in the Township for 30 years. Years ago, he assisted Mr. Vaughn when there was snow and all the “commotions” on Fritztown Road because he had heavy equipment and taught Pre-Engineering at Albright College for 35 years, and has since retired.

Mr. Pikhtovnikoff stated that he is very concerned about a neighbor that regularly flies his helicopter over the neighborhood, which has a very explosive pipeline and high-tension lines. The resident has purchased the property at 601 Fritztown Road and takes the helicopter regularly to New Jersey. The helicopter extends into the driving lane on Fritztown Road when he lands. Mr. Pikhtovnikoff stated he called the police department, one of the officers called the FAA and the Reading Airport, and was told anyone that owns land can land a helicopter. Mr. Pikhtovnikoff distributed pictures to the Board, citing his safety concern, confirming that the rotors extend to the white line on Fritztown Road, and when leaving the property, he saw the rotors extending into the traffic area. Mr. Pithtovnikoff confirmed for Chief Powell that the helicopter flies over his house at an altitude of approximately four (4) stories, confirming that the aircraft is just above the telephone poles, noting that the frequency of his travels has increased.

**OPEN TO THE FLOOR:** (Continued)

Boris Pikhtovnikoff, 548 Fritztown Road (Continued)

Mr. Pikhtovnikoff stated that his other concern was flooding. He said he had installed a 6-inch drainage pipe years ago, but now he cannot control the water. The problem is that the water goes from Calco Avenue to Fritztown Road. He stated that Mr. Vaughn and PennDOT had looked at the area, and they noted that the culvert is too small and drains onto properties towards the Sunoco Pipeline Company. Mr. Pikhtovnikoff stated that he had 6 inches of water in the back of his property yesterday.

Rick Kemper, 3112 N. Wagner Circle, stated that he was in attendance regarding the issue of offensive signs. Mr. Kemper said he contacted the Township in June and received the Township's response, including the Township's Solicitor's analysis. He sent a response to the Township's comment and questioned if his answer was read and discussed.

Mr. Becker stated that the Township's position is the same, believing that this is a free speech issue and it is not appropriate for the Township to take action specifically related to this topic. Mr. Kemper said that the Township has language in the sign ordinance prohibiting certain signs and that there is no distinction between political and non-political signs and questioned if the Township's sign ordinance is unconstitutional. Mr. Becker suggested Mr. Kemper hire an attorney if he would like to take action.

Mr. Royer stated that none of the Supervisors are practically thrilled with something that does not reflect well on our community and among our neighbors.

Cathy Kemper asked if the word f\*\*k is political, Mr. Becker stated that it is just a word and can be used to be expressive, and that is what the courts have determined, particularly as it relates to political cases.

Mr. Becker stated that case law had addressed the issue and that the Township would not take on a First Amendment case at the expense of taxpayer dollars.

Lisa Drebushenko, 130 Bran Road, stated she lives about a mile below the Manor Golf Course. Her husband has owned this house since 1990, and she has lived there since 1994. They have now had approximately \$100,000.00 of damage to their property as they have experienced catastrophic flooding. She stated that the Township diverted water from the golf course through a pipe under the road into a stream and believes this is causing flooding issues, as a high volume of water comes through at a high rate of speed, noting that the water used to go into the mountain. She said their street was almost like a valley with water coming down both sides and that they had lined the stream with large boulders before the storm, and the rain carried the boulders and trees downstream. Ms. Drebushenko acknowledged that the Township staff is good about clearing the line, but she and her neighbors would like to know what the Township will do to address this issue.

Mr. Darrah stated that his crew was up on Bran Road last evening and this morning cleaning up mudslides and said that the road was destroyed below their house and the whole length of the road.

Mr. Becker stated that the Township is sympathetic to the Drebushenko's issue; please understand that he does not know anything about the Township requiring the golf course to change its stormwater flows. Mr. Becker said that this rain event was a huge storm, totaling 7.7 inches over a 2 ½ hr. period. With that amount of rain in a short period, there is nothing that anyone would be able to do to prevent that from happening in normal stormwater paths. In those types of instances, it becomes a private property issue.

**OPEN TO THE FLOOR:** *(Continued)*

Lisa Drebusenko, 130 Bran Road *(Continued)*

Ms. Drebusenko said there used to be a little dam up above that the golf course controlled, but staff from the golf course told her that the Township had them remove it. Ms. Drebusenko stated that the three (3) big houses on top of the hill should have detention ponds. Ms. Drebusenko noted that June 20, 2019, was the first time it flooded badly; she does not know when the Township put the pipe in or when the houses were built but would like to know why the Township installed the line in that location.

Mr. Becker mentioned that 2019 was also a major storm, classified as a 1,000-year storm, stating that it is not the Township's fault. Ms. Drebusenko said it is the Township's responsibility because the Township changed the water projection and would like the Township to look into it.

**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 June 26th Meeting
2. List of Bills for Approval
  1. **General Fund - \$152,877.39**
  2. **Street Lighting Tax Fund- \$25,953.01**
  3. **Fire Hydrant Tax Fund- \$7,917.00**
  4. **Refuse Tax Fund- \$58,660.44**
  5. **Sewer District #3 Fund-\$53,609.15**
  6. **Fire Protection-\$11,934.29**
3. Authorization to Extend Lease at the Pioneer Crossing Landfill  
The expiring (10) ten-year lease carries a five (5) year renewal option.
4. Accessible Parking Space  
Chief Powell stated the STPD received an application for an accessible parking space in the 2200 block of Monroe Avenue. Traffic Sergeant Peterson assessed the application and the site. Both residents of that particular address have handicapped placards and have a shared driveway, so they can only park one (1) vehicle behind their house and cannot park in the driveway, or they will block their neighbor. Sergeant Peterson recommends approval of the accessible parking space request in front of their home.
5. Extension of Time- Lilyfield Mini-Storage Land Development Plans  
Mr. Moll stated that the applicant had withdrawn the variance requests they had filed, but the Land Development Plan is still active. The current expiration date is July 11, 2023, and the proposed extension will expire October 12, 2023.
6. Acceptance of Resignation  
Mr. Groller requested approval to accept Fire Captain Ken McCardell's resignation received by the Township's HR Department today, June 10, 2023, effective immediately.

*Motion to approve Action Items #1-6 with noted correction to the minutes was made by Mr. Kocher and seconded by Ms. Smith. Upon roll call vote, All Supervisors in attendance voted affirmatively, with Mr. Stuck abstaining from voting for payment of checks # 109105, 109123, & 109124; and Mr. Wertz abstained from voting on payment of Fire Fund #14 and Action Item #6. MOTION CARRIED*

## TOWNSHIP DIRECTORS

- A. Zoning/Building Codes Department-Mr. Wozniak submitted the monthly report for June. Mr. Kocher asked about the numbering issue for the Hofmann Tract listed in the report. Mr. Wozniak stated that currently, the Township is waiting for the 2<sup>nd</sup> response. Chief Hackman said that they met with all the emergency services to lay out the addresses, with the County and the Codes Department, to find the best solution to locate addresses in an emergency. Mr. Wozniak added this is in coordination with Emergency Management Services, as they are trying to promote a consistent numbering method.

Mr. Stuck asked about the status of the junkyard on Penn Avenue. Mr. Wozniak confirmed that the Township achieved an injunction, and the property owner has thirty (30) days to comply. Mr. Wozniak will review the order with Solicitor Colin Macfarlane. Mr. Wozniak confirmed for Mr. Stuck that he did not see the two (2) used cars for sale on the corner of the property, and he will take a look tomorrow.

- B. Parks and Recreation Department- No Report

- C. Engineering/Planning Department

1. 375 Martins Road-Farm Animal Variance

Mr. Moll said that the Planning Commission (PC) reviewed the Zoning Hearing Board application request to consider granting a variance from the zoning ordinance that prohibits the "Keeping of Animals or Fowl," including farm animals in the LDS District. The applicant is seeking a variance to keep three (3) female pygmy goats and a miniature horse within a fenced-in area of their property to serve as companion animals and family pets.

The PC recommends that the Zoning Hearing deny the variance request due to the potential adverse effects that keeping animals on the property could have upon adjoining residents. *The Board opted not to make a recommendation to the Zoning Hearing Board.*

2. Morgan School-Waiver of Land Development

Mr. Moll reviewed the Project, a proposed daycare along Cloister Court, in the building that the Stackhouse Bensinger Engineering office previously occupied. The PC reviewed the application last week of the request to waive the land development process. The proposal is based primarily on the fact that the applicant proposes to make very few changes outside. The changes include resurfacing the driveways and parking areas and putting a painted crosswalk to a proposed play area at the rear of the building. The applicant proposes installing speed bumps on both sides of the crosswalk at the drives that lead to the parking in the rear area, with the intention to install gates.

The major concern that the PC had with the proposal was the crosswalk and the fact that children could be walking from the building back to the play area, going across the drive. The PC recommends granting the waiver, conditioned upon satisfying the issues outlined in Mr. Moll's review letter.

**TOWNSHIP DIRECTORS (Continued)**

C. Engineering/Planning Department (*Continued*)

2. Morgan School-Waiver of Land Development (*Continued*)

Beth Kohl of Barley Snyder stated she was present along with Yuki Morgan, the owner of Morgan School, who has operated a daycare in Exeter Township since 2019, to answer any questions the Board may have. Ms. Kohl confirmed for Mr. Stuck that the parking in the back behind the traffic gates would be for staff only, and arrival and departure times would be separate from when the children go out to play. Ms. Morgan explained the timing and that the time frames that the children go outside are staggered, noting that safety is the top concern of Morgan School.

Ms. Morgan said that the gates will open in the morning by employees operating them manually, adding that nothing is off the table which makes the most sense with the gates, and will take directives from the Codes Department. Mr. Moll said the gate control issue will need to be addressed before a building permit is issued.

Mr. Stuck noted that the applicant may want to consider bringing the fence in from the gates to the corner of the building.

*Motion to waive the Land Development Process for Morgan School was made by Mr. Royer and seconded by Mr. Kocher. Upon roll call, All Supervisors in attendance voted affirmatively.*

**MOTION CARRIED**

3. 72 Commerce Drive- Waiver of PDR Sign Revisions

Mr. Moll stated that the regulations for the PDR Ordinance are geared entirely toward residential areas. The PC considered the request, which is for the area of Village Square. Mr. Moll confirmed for Mr. Kocher that the vote from the PC was 5-1 and that one PC Committee Member did not give a reason for voting against the request. Mr. Moll confirmed for Mr. Stuck that he did not believe the sign would be a digital sign, under the impression that it is an internally lighted sign.

*Motion to waive the PDR Sign Revision Requirement for 72 Commerce Drive was made by Ms. Smith and seconded by Mr. Wertz. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED*

D. Finance Department - No Report

E. Human Resources - No Report

F. Public Works –Mr. Darrah's illustrations showed damages in the Township from the storm, noting that 6.6 inches of rain fell at the sewer plant last evening. The swale (redone in 2019), located along the back of the sewer plant up Van Reed Road, will need to be redone as all the blacktop is washed out in the middle. Mr. Darrah said he is looking for guidance to correct the issue. Mr. Darrah said that the catch basin on the other side of the quarry, where the office space is located, overflowed for three (3) to four (4) hours last evening. Mr. Darrah demonstrated the damage on Tulpehocken Road, a sinkhole that is 16 ft. deep, 3ft under the road, and 20 ft. back in towards the Reserve. Mr. Darrah received notification of another sinkhole at Colony Park and confirmation of 8-9 sinkholes today, but unfortunately, they were resident issues, not the Townships. Mr. Darrah stated that every retention pond in the Township was overfilled. The wall was again damaged in the sewer plant; noting has been an interesting 24 hours.

**PUBLIC SAFETY**

A. Police Department – No Report

B. Township of Spring Fire Rescue Service- Chief Hackman provided the monthly report for June. Chief Hackman confirmed for Mr. Stuck that there were 61 calls yesterday over a three (3) hour period, noting that most of them were not necessarily flooded basements; they were water rescues as people kept driving through high water, even in the same location they were actively rescuing motorists. Mr. Groller thanked the Township staff for everything done in the last 24 hours and said they did an awesome job. Mr. Darrah noted that the "Mayor" of Harvard Boulevard called him this morning; he had only heard of 2 people with flooding issues, noting that it shows the Township's work has been paying off. Mr. Kocher and Mr. Stuck thanked the staff for a job well done.

C. West Side Regional EMA –No Report

**SOLICITOR** –No Report

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**ANNOUNCEMENTS:**

1. On June 27, 2023, the Board met in Executive Session on potential litigation, and an Executive Session was held prior to this meeting to discuss matters of personnel.
2. Next meeting will be held at 7:00 p.m. on Monday, July 10, 2023.

**ADJOURNMENT:**

There being no further business, Chairperson Stuck adjourned the meeting at 8:20 p.m.

Respectfully submitted,

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Mary L Rossi  
Township Secretary