



TOWNSHIP OF SPRING

BERKS COUNTY, PA

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BOARD OF SUPERVISORS MEETING MINUTES

February 13th, 2023

OPENING OF MEETING: Chairperson Stuck called a regular business meeting of the Board of Supervisors to order at 7:05 p.m. on Monday, February 13, 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, Smith, Royer, and Wertz were present. Also present were: John Groller, Mary Rossi, Paul Darrah, Jen Bensinger, Jim Moll, Aaron Wozniak, Judy Houck, Chief Powell, Daniel Becker, Esq, and John T. Dunston. Chief Hackman attended via ZOOM.

AGENDA AMENDMENTS: None

OPEN TO THE FLOOR:

John T. Dunston, 504 Harvard Boulevard, asked for a status on the sewer line upgrade.

Mr. Darrah said that the Township must wait to start the project until after the grants are awarded. Mr. Darrah stated that the Township received the first permit from the DEP last month, January 2023. Mr. Becker explained that the Federal grant is for infrastructure money and was initially to be awarded last year. The Federal Government pushed it back; it was to be awarded in December 2022, and was pushed back again, and is supposed to be awarded in March 2023. The grant is for a significant amount of money, and the Township can only take action to do work after the grant is awarded or the grant is voided.

Mr. Becker explained that in the interim, Mr. Darrah and his staff had done a lot of work on Inflow and Inflow (I & I) repairs, doing a good job trying to prevent further issues.

Mr. Dunston stated that if it rains three (3) inches or more, sewage enters the residents' homes on Harvard Boulevard. Mr. Dunston noted the potential financial loss is enormous. Mr. Dunston stated that his home got hit with sewage three (3) times and would like to know when the Township will resolve the issue.

The Board and Mr. Becker suggested that Mr. Dunston go to the State Representatives and ask them to get the Federal Government to issue the grant. Mr. Stuck said that Senator Schwank is holding a Town Meeting at the Township on March 14, 2023, at 6:00 p.m. Mr. Royer noted that the recently elected State Representative, Johanny Cepeda-Freytiz has an office on Penn Avenue and recommended contacting her.

OPEN TO THE FLOOR: *(Continued)*

John T. Dunston, 504 Harvard Boulevard *(Continued)*

Mr. Dunston asked for a status on street repair. Mr. Darrah stated that UGI is scheduled to replace a new gas main in a two (2) block area. Mr. Dunston noted that UGI completed the work in front of his home, but a metal plate is still in front of 502 Harvard Boulevard and has been there for a year and a half. Mr. Dunston asked about blacktopping, stating that all the roads in Lincoln Park need repair and Harvard Boulevard is in worse shape.

Mr. Stuck stated that in addition to the sewer line upgrade project, repair work is pending from UGI and Shillington Municipal Authority Water Company. The Township will wait until these projects, which include digging in the street, are finished before starting road improvement work on Harvard Boulevard. Mr. Darrah confirmed for Mr. Stuck that he is waiting for a response from the Shillington Municipal Authority Water Company.

Mr. Dunston inquired about the status of his request to remove the guardrail at the end of Harvard Boulevard. Mr. Dunston would like to install boulders in the guardrail's place and noted that he would pay for the boulders and "palm trees." Mr. Darrah stated that he and Mr. Moll would look at the site and confirmed for Mr. Stuck that they would look at the guardrail and Mr. Dunston's request this week. Mr. Dunston thanked everyone for their time.

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 January 23rd Meeting
2. List of Bills for Approval
 1. **General Fund - \$369,225.16**
 2. **Street Lighting Tax Fund - \$27,481.66**
 3. **Fire Hydrant Tax Fund- \$ 2,240.08**
 4. **Refuse Tax Fund- \$152,288.60**
 5. **Park Capital Outlay Fund- \$4,975.00**
 6. **Sewer District #3 Fund - \$104,748.43**
 7. **Fire Protection Fund - \$87,312.57**
 8. **Capital Fund- \$ 9,875.00**
3. Turf Fertilization/Weed Control Contract
Ms. Houck recommended the award of the 2023 Fertilization and Weed Control Contract to Tomlinson Bomberger Lawn Care and Landscape, Inc. of Lancaster, PA, in the amount of \$11, 831.41. The project is through the PA CoStars Program.
4. ADA Parking Space at West Lawn Park
Ms. Houck requested authorization to designate an accessible parking space at West Lawn Park as required from the grant funding obtained when the park was built.
5. McMillan Waiver Request
Mr. Moll stated the waiver request is for the McMillian minor subdivision along Wheatfield Road. The Planning Commission recommends granting the waiver request to use a 1"=100" plan scale rather than the specified 50.

ACTION ITEMS FOR APPROVAL: *(Continued)*

6. **McMillan Time Extension of Time Request** *(Continued)*

Mr. Moll stated the Planning Commission recommends approval of the extension of time request for the McMillan Minor Subdivision Plan. The current expiration date is March 1, 2023. The proposed extension of time will expire on June 30, 2023.
7. **Wilson School District Extension of Time Request**

Mr. Moll stated that the Planning Commission recommends the approval of the extension of time for the Land Development Plans to expand the existing high school building and improvements of the athletic facilities. The current expiration date is February 28, 2023. The proposed extension of time will expire on June 27, 2023.
8. **Formal Offer of Employment-Public Works**

Mr. Groller requested authorization to offer a formal offer of employment for an open position in the Public Works Department as a full-time maintenance worker to James Ronald at a starting rate of \$23.41 per hour. All Township required background screenings are complete.
9. **Authorization to Close Goose Lane Yard Waste Site**

Mr. Groller requested authorization to close the Goose Lane Yard Waste Site for renovations, repairs, and improvements on March 1, 2023. Mr. Groller said the site must be formally closed, cleaned, and fenced off before surveying. Hopewell Trucking & Excavating will do the grind and clean out. The survey is scheduled sometime between March 1st-3rd, 2023. When the required surveying is complete, staff will regrade the slope. Township Staff will complete a significant portion of the project; the project is estimated to take ninety (90) days (weather dependent). When all the required work for the site is complete, the Public Works Department will pave the area.

Mr. Groller confirmed for Mr. Stuck that residents would be notified before the closing and informed of the option to use the Township's other yard waste site on Yerger Boulevard. Mr. Groller stated that the project's objective is to secure the area to eliminate illegal use, which is relatively common at the site. Mr. Darrah stated that signs would be posted at the site, and Mr. Groller said the area would have fencing to prevent access.

Mr. Stuck asked if the Township has started planning improvements for the Yerger Boulevard Yard Waste Site. Mr. Groller said that the Township has yet to begin working on the Yerger site and that staff will focus on Yerger Boulevard during the latter part of 2023 due to another grant opportunity in 2024. (Every two years for these types of grants.)
10. **Authorization to Advertise On Lot Disposal System Ordinance**

Mr. Wozniak requested authorization to advertise the updated On Lot Disposal System Ordinance, noting that the last update was in 1994. The revised ordinance is for any on-lot systems in the Township. It adds better holding tank language, recognizes new technologies, and improves vocabulary for the Township's Sewage Management Program, which will coincide with the Township's goal to get the Sewage Management Program restarted this year.

ACTION ITEMS FOR APPROVAL: *(Continued)*

10. Authorization to Advertise On Lot Disposal System Ordinance *(Continued)*

Mr. Kocher stated that he reviewed the proposed updates to the ordinance last year and requested changes to the draft ordinance.

Mr. Kocher reviewed the revisions he requested, including the following:

- 1) Section 5- B, C, & D & E2-Only applied to non-residential properties. Mr. Kocher reasoned that he would like landlords of residential properties to be responsible, not push the burden onto the renter.
- 2) Section 12:1-3 language -to read will include, but not be limited to, as written in Section 12:4.

Mr. Becker emailed copies of his ordinance during the meeting, which included the changes Mr. Kocher had requested. Mr. Becker said he had a question about the Edu definition and the number of gallons per Edu. Mr. Wozniak confirmed for Mr. Becker that the definition is accurate, as well as the number of gallons, which is 400 gallons per day.

11. Authorization to File Injunction-2732 Penn Avenue

Mr. Wozniak stated that 2732 Penn Avenue is a property with violations, currently operating as an automotive use without approval. The Township has had two (2) court dates with the property owner resulting in \$1,000.00 fines each time. The conditions and operations of the property were reviewed, showing that the current conditions of the property show that it is in a defined junkyard state.

Mr. Wozniak stated he is seeking authorization to push this property into compliance and pursue more significant fines, noting that it has been ninety (90) days since the last court case. Mr. Wozniak explained the options, going back to the district court to seek daily fines; or going through the county court system process, including filing an injunction against the property. Mr. Wozniak said there are twenty (20) + cars at the location in a fluctuating state, car parts, and junk, noting that the fire department has concerns about the property being a fire hazard.

Mr. Wozniak confirmed for Mr. Stuck that the property is lease-to-own.

Mr. Becker reviewed options stating that either option involves Common Pleas Court. Mr. Stuck mentioned his concerns with the property being next to the Ranch House and their dumpsters, with worries of rats going over from the property to the Ranch House Dumpsters. After discussion, the Board agreed that they would like to take action to file an Injunction.

12. Sewer Agreement-Highlands

Mr. Becker stated that the agreement is based on the Highland's request for upgrading the West Lawn Interceptor. The agreement is a tri-party agreement with the Highlands, Borough of Wyomissing, and the Township. The Township is authorizing the Borough of Wyomissing to make changes to the sewer lines in the Township. This agreement acknowledges that the Borough of Wyomissing has all the responsibility of cost and expense for the design and implementation of this project. Mr. Becker stated the Township has, at all times, the right to inspect and participate in the design. The underlying agreement, which was the original one, remains in effect.

ACTION ITEMS FOR APPROVAL: (Continued)

12. Sewer Agreement-Highlands *(Continued)*

Mr. Stuck asked who was responsible for the maintenance. Mr. Becker stated that the Township is responsible for the maintenance with the condition that the Borough of Wyomissing provides the Township with an additional 40,000 gallons of additional capacity. Any additional capacity from this upgrade becomes the Borough of Wyomissing's, but the Township gets the first 40,000. If it is unavailable, then the Borough of Wyomissing is required to upgrade to fulfill the requirement. Mr. Becker noted that this would be a new line for a significant portion of the interceptor that should eliminate problems that have existed for some time.

Motion to approve Action Items #1-12, noting approval of Item #10 is with the draft version provided by Mr. Becker with Mr. Kocher's suggestions was made by Mr. Kocher, seconded by Ms. Smith. Upon roll call, Ms. Smith abstained from payment of check #108349, Mr. Wertz abstained from voting on payment for Fire Fund #14, and Mr. Stuck abstained on payment of check # 108295. All Supervisors in attendance voted affirmatively. MOTION CARRIED

TOWNSHIP DIRECTORS

- A. Zoning/Building Codes Department –Mr. Wozniak submitted the monthly report for January.
- B. Parks and Recreation Department- Ms. Houck stated that the Comprehensive Plan Consultants are having a Public Meeting on Tuesday, February 21, 2023, at 7:00 p.m. to review the Comprehensive Plan Study results. The meeting has been advertised.

Mr. Stuck asked for the status of obtaining pricing for the renovation project at Cacoosing Meadows Park. Ms. Houck stated she is waiting to hear back from the Lower Heidelberg Code Official regarding the possibility of adding new walls. He is getting back to Ms. Houck to let her know if that will be permitted in the floodway, noting that new walls would be considered a new structure requiring all commercial kitchen codes to be met.

- C. Engineering/Planning Department-No Report
- D. Finance Department - No Report
- E. Human Resources - No Report
- F. Public Works - No Report

PUBLIC SAFETY

- A. Police Department -Chief Powell reported that the Lincoln Park Fire Company donated \$3,000.00 to the police department, and the check has been deposited in the Department's ammunition account. Mr. Royer asked why the Lincoln Park Fire Company donated the funds. Chief Powell said it is a requirement with money generated from small games of chance.
- B. Township of Spring Fire Rescue Services– Chief Hackman submitted the January monthly report. Chief Hackman reported that the Department was awarded a grant from the office of the State Fire Commissioner in the amount of \$15,000.00. The Department will use the grant money for personal protective equipment for the firefighters.
- C. West Side Regional EMA – No Report

SOLICITOR – No Report

OLD BUSINESS: – None

NEW BUSINESS:

1) Proposed Mixed-Use Development-Tabled

ANNOUNCEMENTS:

1. Wednesday, February 2, 2023, from 10:00 a.m.-1:00 p.m., there will be a Property Tax/Rent Rebate Event at the Township held by State Representative Johanny Cepeda-Freytiz.
2. Thursday, March 16, 2023-Municipal Officials Dinner
Mr. Stuck stated after reviewing the topics that will be discussed at the event, the Zoning Hearing Board and the Planning Commission Members should be invited to attend.
3. An Executive Meeting was held before this meeting to discuss personnel issues and potential litigation.
4. Next Meeting will be held at 7:00 p.m. on Monday, February 27, 2023.

ADJOURNMENT:

There being no further business, Chairperson Stuck adjourned the meeting at 8:03 p.m.

Respectfully submitted,



Mary L Rossi
Township Secretary