



TOWNSHIP OF SPRING

BERKS COUNTY, PA

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BOARD OF SUPERVISORS MEETING MINUTES APRIL 10, 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, April 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, Smith, and Royer were present. Mr. Wertz was absent. Also present were: John Groller, Mary Rossi, Paul Darrah, Jen Bensinger, Judy Houck, Jim Moll, Chief Powell, Chief Hackman, Daniel Becker, Esq, State Representative Johanny Cepeda-Freytiz, John Dunston, Matt Varone, Glenn Geist, and Dino DiMariano.

AGENDA AMENDMENTS:

- Removal of Action Item 6
- Table Action Item 7
- Add Action Item (new Action Item 6)- Approval to appeal the recently received unemployment compensation decision.
- The addition of a third item, adding McMillan Subdivision under engineering.

Motion to approve the agenda amendments was made by Ms. Smith, seconded by Mr. Kocher. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED

OPEN TO THE FLOOR:

John Dunston, 504 Harvard Boulevard, thanked the Board for pursuing the grant for the sewer upgrade. Mr. Dunston asked when digging would begin. Mr. Darrah said he expects the work to be out to bid in the next few weeks and anticipates the project will start in August.

Mr. Dunston asked about the status of his request to remove the guard rail and replace it with boulders and flowers. Mr. Darrah stated that the Township's Engineer reviewed the proposal and did not recommend the removal of the guard rail and will send Mr. Dunston a letter with his recommendation.

Mr. Dunston said that he spoke with someone at the Berks County Conservation District regarding the problem with mosquitoes in the neighborhood and is wondering what can be done to resolve the issue. Mr. Darrah said that he would forward contact information to Mr. Dunston.

Matt Varone, 407 Harvard Boulevard, asked for clarification on the scope of work for the project on Harvard Boulevard, if the road will be repaved, and the curb repair and replacement status. Mr. Darrah stated that the curb repair and replacement status had not been determined, and the road repair status on Harvard Boulevard has yet to be determined because of the curbs.

OPEN TO THE FLOOR *Continued*)

Matt Varone, 407 Harvard Boulevard *(Continued)*

Mr. Darrah said the project includes replacing the sewer pipe going downstream with a 30" line from the existing 18" and near 407 Harvard Boulevard; the 90's will be removed and replaced with 45's. Mr. Darrah said that the Township staff had done a lot of work in the Harvard Boulevard area, finding places with roots in the lines, and staff did some jetting and cleaning out of the lines, which helped tremendously. Mr. Darrah said the last time the line was upgraded was in the 90s, but the problem for that area is that other lines come together downstream, creating a more significant issue.

Mr. Darrah confirmed for Mr. Varone that the grant covers a portion of the project, just for the sewer line. Mr. Darrah said there are existing water line issues, and he is working with Shillington Borough to expedite the work. The Township does not want to spend taxpayers' money to repave the road and then, a couple of years later, have the streets dug up again to replace water lines.

Glenn Geist, 410 Harvard Boulevard, thanked everyone for obtaining the grant and Representative Johanny Cepeda-Freytiz for her assistance.

Johanny Cepeda-Freytiz, State Representative for the 129th District, stated she attended this evening to say hello and remind everyone that she is available for support at her District Office located at 1111 Penn Avenue. Mr. Stuck confirmed for Representative Johanny Cepeda-Freytiz that the Township receives resource information from her staff.

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 March 27 Meeting
2. List of Bills for Approval
 1. **General Fund - \$71,284.56**
 2. **Street Lighting Tax Fund- \$26,803.08**
 3. **Fire Hydrant Tax Fund- \$7,917.00**
 4. **Refuse Tax Fund- \$40,670.94**
 5. **Sewer District #3 Fund-\$28,027.14**
 6. **Fire Protection- \$3,151.25**
 7. **Capital Fund-\$915.83**
3. Purchasing Policy Updates
Mr. Groller reported that the Township's current policy needs to be updated annually to reflect the bidding and purchasing requirements set by the state. The proposed update includes an increase for the Directors' authorization limit to spend \$5,000.00 (from \$2,500.00) without requiring the Township Manager's approval.
4. Approval of Ordinance #455-Regulations for On-Lot Sewer Systems
Mr. Wozniak noted that the proposed ordinance includes a district map showing equal distribution throughout the Township. The ordinance was advertised for adoption by the Board this evening. Mr. Wozniak noted that the last update was in 1994 and that the Township will restart the Sewer Management Program next year in conjunction with the new ordinance.

ACTION ITEMS FOR APPROVAL: (Continued)

5. Extensions of Time:
 - A. Helping Harvest- Mr. Moll stated the Preliminary Land Development Plans expire on 4/11/23. Approval of the extension of time will expire on 6/15/23. The project is on hold until Helping Harvest receives a decision from the Zoning Hearing Board.
 - B. Lilyfield Self- Storage Facility-Mr. Moll stated that the Planning Commission recommended denying the extension of time request based primarily on the fact that the Township has not received revised plans and the Zoning Hearing Board has a Hearing at the end of the month. Mr. Moll stated that Township staff spoke with the applicant's consultants today and received a letter from their Attorney requesting an extension. The applicant intends to meet with Township staff and have their consultants revise the plan to eliminate some of the previously requested variances. The applicant will submit a revised plan to the Township before they return to the Zoning Hearing Board and have indicated that they will request an additional continuance. Mr. Moll noted that in light of these developments, Township staff is recommending approval of the extension of time. The current expiration date is 4/11/23, and the extension expires on 7/11/23.
 - C. Juliana's Restaurant Land Development-Mr. Moll stated that the applicant resolved most of the issues in the Land Development Plan, and only a few outstanding items remain. The Planning Commission recommended approval of the extension of time request, which expires on 4/11/23, with the extension expiring on 11/2/23.
6. Authorize Solicitor to appeal the Unemployment Compensation Decision-
Mr. Groller requested approval to authorize the Township's Solicitor to appeal the decision the Township recently received.

Motion to approve Action Items #1-6 was made by Mr. Kocher, seconded by Ms. Smith. Upon roll call vote, Mr. Stuck abstained from voting on payment for check # 108683. All Supervisors in attendance voted affirmatively. MOTION CARRIED

TOWNSHIP DIRECTORS

A. Zoning/Building Codes Department

- 1) Apple Dumpling Festival-Mr. Wozniak stated the Apple Dumpling Festival is an annual event. This year the festival will be held Thursday, May 11, thru Saturday, May 13. Mr. Wozniak and Fire Marshal/Fire Code Official Troy Hatt reviewed the application and recommended approval of the festival's Public Gathering Permit.

Motion to approve the Apple Dumpling Festival Public Gathering Permit was made by Ms. Smith, seconded by Mr. Kocher. Upon roll call, all Supervisors in attendance voted affirmatively. MOTION CARRIED.

- 2) March Monthly Report-Mr. Wozniak submitted the monthly report for March.

TOWNSHIP DIRECTORS (Continued)

A. Zoning/Building Codes Department (Continued)

2) March Monthly Report (Continued)

Mr. Stuck questioned why the Township received a property line dispute complaint. Mr. Wozniak stated that the Township received the complaint, not necessarily to resolve the issue, but staff may be able to provide some clarification to the parties involved.

Mr. Kocher asked if there was a resolution regarding a resident running sewage into a homemade pit in their yard. Mr. Wozniak said that Township staff notified the plumbing inspector, and permits will not be issued until the issue is resolved.

B. Parks and Recreation Department- No Report

C. Engineering/Planning Department

1) Decola- Calco Ave- Variance Request

Mr. Moll reviewed the submittal from the applicant for the Variance. Mr. Moll said that due to the lot's narrowness, the applicant cannot comply with the side yard setbacks. The Township's Zoning Ordinance regulations state that if you own a lot of record, even if it does not meet the area and lot width requirements, it can be used, and you can build a structure on it as long as you can meet the setback requirements. In this District, it is 25' for a single side yard, and the two (2) side yards must add up to 60'. The applicant's lot is only 45' wide, so they cannot meet the requirements and are asking the Zoning Hearing Board for relief from the setback requirements.

Mr. Moll said that the applicant has not submitted a great deal of information. They have given the proposed dimensions of the home they would like to build on the lot but have yet to provide a drawing to show the proposed location of the house.

Mr. Moll stated that the Planning Commission (PC) considered the request at their meeting and is recommending that the Zoning Hearing Board does not approve the request based on the following:

1. The applicant did not provide adequate information.
2. The proposal would exceed the maximum building coverage permitted in the District (The applicant did not request relief for that)
3. It may exceed the maximum allowed pervious coverage; the applicant did not provide information about proposed driveways, sidewalks, and patios.
4. The PC felt that the proposed plan did not conform to the essential character of the neighborhood.

The Board opted not to make a recommendation to the Zoning Hearing Board on the DeCola Variance request.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

2) Minor Subdivision- 218 Perkasio Avenue

Mr. Moll reviewed the proposed project to divide an 8,900-square-foot parcel into two (2) lots and put a new home on lot #1. There are no proposed public improvements, and the plan complies with Township zoning regulations. The PC recommends approval of the following:

- a) Scale Waiver- A scale of 1"=20', rather than the 50-scale required by Section 703(B) (2)
- b) Final Plan Approval- The approval be conditioned upon (1) all signatures, seals, and notarizations must appear on the plan, and (2) any outstanding Township invoices must be paid.

Mr. Moll said that when a home is proposed at the location, the homeowner must submit stormwater plans to the Township before permit approval.

Motion to approve the Scale Waiver request and Final Plan approval for the Minor Subdivision Plan at 218 Perkasio Avenue was made by Ms. Smith and seconded by Mr. Kocher. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED.

3) McMillan -Minor Subdivision

The proposed project is the division of a 40.5-acre parcel at 138 Wheatland Road into two (2) lots. The PC is recommending Conditional Plan approval contingent upon the following:

- a) Completion of the pending sewage issues and final approval from the DEP.
- b) Complete all items listed in Mr. Moll's April 5, 2023 review letter.
- c) The Township of Spring will not sign plans until all of the previously stated conditions are successfully met.

The issue of areas with high nitrates were discussed. Mr. Stuck questioned if high nitrates and nitrites levels were from septic systems. Mr. Moll indicated it could be from that, but the higher levels are most likely from agricultural practices, such as manure spreading. Mr. Stuck asked if the Township's new on-lot sewage regulations ordinance would help to clean up the areas. Mr. Wozniak said that it could but that it is usually agricultural use that adds the high nitrates, which could take centuries to clean up; DEP's concern is that more is not added.

Motioned by Ms. Smith, seconded by Mr. Kocher to approve the McMillan Minor Subdivision Plan with conditions as recommended by the PC. Upon roll call vote, all Supervisors in attendance voted affirmatively. MOTION CARRIED

D. Finance Department – No Report

E. Human Resources - No Report

F. Public Works –Mr. Darrah gave an update on the status of the Goose Lane Project, noting that there will be a meeting next week regarding the fencing and conduit, and staff is getting ready for the project's next phase. Mr. Stuck asked if there were many complaints about the site being closed or illegal dumping close to the site. Mr. Groller said there had been positives and negatives, noting that the project is estimated to be complete around the end of June or beginning of July, weather and supply chain dependent. Mr. Groller said that the staff had done a great job with earth moving and leveling along with the support from the ARM Group.

PUBLIC SAFETY

- A. Police Department – Chief Powell stated that he, Mr. Groller, and Mr. Becker met with Berks County Park System Representatives to discuss their request for assistance with issues (specifically during warm weather) at Red Bridge Recreational Park. They are asking for help from the STPD to help elevate some of those issues. Chief Powell said that the Department would assist but requested additional information to know the scope of exactly what they are looking for.

- B. Township of Spring Fire Rescue Services-Chief Hackman submitted the monthly report for March.

SOLICITOR: None

OLD BUSINESS: 911 Fees-Mr. Stuck explained to Representative Johanny Cepeda-Freytiz that the issue was raised at a recent County Commissioners Meeting, that Berks County is one (1) of only two (2) counties in the state that the local municipality pays for their 911 fees vs. the County. Commissioner Leinbach said if the Township were willing to lower taxes accordingly, he would take that on, and Mr. Stuck stated that the Township is in favor of that.

NEW BUSINESS: None

ANNOUNCEMENTS:

1. DCED Grant Workshop/Luncheon-May 4, 2023
2. An Executive Meeting was held before this meeting to discuss potential litigation and personnel issues.
2. Next Meeting will be held at 7:00 p.m. on Monday, April 24, 2023.

ADJOURNMENT:

There being no further business, Chairperson Stuck adjourned the meeting at 7:40 p.m.

Respectfully submitted,



Mary L Rossi
Township Secretary