



TOWNSHIP OF SPRING

BERKS COUNTY, PA

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BOARD OF SUPERVISORS MEETING MINUTES

JULY 24, 2023

OPENING OF MEETING: Chairperson Stuck called a regular business meeting of the Board of Supervisors to order at 7:09 p.m. on Monday, July 24, 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 and Ms. Smith did not attend. Also present were: John Groller, Jason Reichert, Chief Powell, Aaron Wozniak, Paul Darrah, Judy Houck, Jen Bensinger, Dan Becker, Esquire, and Lori Dilks Stenographer. Also in attendance within the audience were Allison and Brandon Guest of 11 E Ct Blvd, Howard Deibert of 1938 Old Lancaster Pike, Joseph and Amy McDevitt of 803 Evergreen Dr, Steven Overholt of 2018 Garfield Ave, and Jean Digiacoimo Readdy of 117 Mail Route Rd. Attending via teleconference were Julie Drey from 3314 Reedy Rd, Matthew Boggs Entech Engineering, Ellen Freeman of Flaherty & Ohara, Fire Chief Colin Hackman, and Jessica Campbell, who Zoom Bombed the meeting and was immediately removed.

AGENDA AMENDMENTS: None

OPEN TO THE FLOOR:

Steven Overholt, the owner of 2018 Garfield Ave, stated that he moved into the property in December 2017. Less than six months after he moved in, they had sewage back up into their home, and in June 2019, it happened again. After that event, all the neighbors had items out at the curb for trash. Mr. Overholt said that a couple of weeks ago, on Sunday, July 9th, the sewer backed up into his house for the third time. Mr. Overholt stated that he did install a backflow preventer valve in 2019. The backflow preventer prevented the basement from filling up with sewage like the previous two times; however, some puddles required cleaning. Mr. Overholt requested that the sewer issue be resolved so this does not happen again.

Mr. Stuck explains that the July 9th storm was an extraordinary event, and the Township received 7 inches of rain over the course of 3 hours.

Mr. Becker explains to Mr. Overholt that the Township is working to correct the issue by making improvements to the Wyomissing Interceptor. The project is expected to go out to bid next month.

OPEN TO THE FLOOR: *(Continued)*

Jean DiGiacomo Readdy of 117 Mail Route Rd requested that the Township provide trash service to the southern part of the Township. Ms. DiGiacomo Readdy stated that she used to live in Green Valley Estates and had trash pickup. Ms. DiGiacomo Readdy feels it is unfair that she has to pay more to contract with a hauler than other Township residents with Township trash pickup. She requested the same service as everyone else. Ms. DiGiacomo Readdy stated that she has contracted with Eagle Disposal, and her last bill was \$122.21, and she pays that every three months.

Mr. Becker explained that the Township Supervisors provide services at different locations where it is cost-effective. The southern part of the Township is more spread out than the urbanized areas and is not cost effective. The cost would be spread across the entire Township, and the cost for trash pickup will most likely increase for everyone.

Ms. DiGiacomo Readdy requested that the Board have the same services for everybody regardless of all the issues with the Trash Hauler.

Mr. Stuck stated that additional areas cannot be added under the current trash contract. Mr. Groller confirmed for Ms. DiGiacomo Readdy that the current contract is up for renewal in 2025. Ms. DiGiacomo Readdy stated that she is formally requesting consideration of expanding trash pickup to the entire Township when the 2025 trash contract comes up for renewal.

Amy and Joe McDevitt of 803 Evergreen Drive came before the Board to discuss drainage issues in Drexelwood Park. Mr. McDevitt explained that when the detention basin in the park fills up, the water overflows into their backyard and their basement windows. Ms. McDevitt added that the grading of the surrounding areas is higher in elevation and that their property is the low spot in the neighborhood. Mr. McDevitt said that on average rain days, the water runs along the rear fence line of the property. On big rains, it fills the backyard and comes into the basement windows, and in 2018; they cleaned 5 inches of water from their basement. During the recent last big rain, they cleaned 6 inches of water. Ms. McDevitt stated that she understands that weather cannot be controlled, and they are willing to make changes to their basement walls to prevent water infiltration. Still, they ask if something can be done about the water that is flowing into their property from the park.

Mr. Becker explained that the Engineering Department had performed some initial investigations. Mr. Reichert explained his findings and recommended a survey of the area to determine the next steps.

Howard Deibert of 1938 Old Lancaster Pike asked the Board if there is a list of trash haulers who service the Township's southern portion. Mr. Deibert explained that he had called several haulers, and they said they could not provide service to the area. Some haulers told Mr. Deibert that the Township has contracted with another hauler and cannot enter the Township, and others said that they could not take on more customers due to staffing issues.

Mr. Becker explained that there are two issues. The Township does not restrict other haulers from coming into the Township to service the areas that do not have Township trash pickup. All service providers are having issues with staffing levels and cannot keep up. The Township is concerned that other haulers are saying they cannot enter the Township. The Township has drafted a letter, and upon request, the Township will send out the letter so that it can be shared with haulers.

OPEN TO THE FLOOR: (Continued)

Brandon Guest of 11 East Court Blvd shared his disgust for Eagle Disposal with the Board. He said that trash is not being picked up. Mr. Guest stated that if trash is not picked up, the haulers are penalized in other areas. He said that he has Friday pickup, and when the trash is not picked up, it just sits there all weekend, and with the heat, it smells, and the flies are buzzing.

Mr. Becker explained that the Township has been monitoring calls coming in concerning trash issues. The Township has had a conversation with the hauler about correcting issues. At this point, the Township will issue a letter that lays out the concerns and states that there will be penalties based on the contract. Mr. Becker continued to explain that the Township could terminate the contract, but that would mean that the price will go up because the current contract was bid in 2017. The Township is currently working under 2017 prices, which are low compared to today's prices.

Mr. Guest said that Eagle Disposal would collect the inside of the court but not his side of the street. Mr. Becker said when this happens; please report it to the Township so that they can track issues to ensure we have the leverage of the contract to effect change.

Julie Drey of 3314 Reedy Road reported to the Board that her basement had flooded three (3) times. Water pours into her basement, and she keeps losing items. Ms. Drey said that Reedy Road cannot handle all the rain and stated that the system needs to be upgraded because it keeps coming into her house, and asked what the Township will do about it. Ms. Drey expressed concerns about the new apartment buildings that are being built up the street and if the system can handle the additional flow. Ms. Drey stated that she witnessed the manhole cover lift off the street in front of her house, and then that was when the sewer came into her basement.

Mr. Darrah explained to Ms. Drey that flows from her property flow to the Sinking Spring Borough Treatment Plant, and those lines within Reedy Road were just upgraded last year. Mr. Darrah explained that the Sinking Spring sewer plant had overflowed and the plant was shut down for hours.

Mr. Becker explained that the Township cannot control the rain, and when it rains like that, where we get seven (7) inches of rain at one time and different locations are inundated; there is not much we can do. The lines were recently upgraded and cannot be sized for every storm. If the plant gets flooded, not much can be done.

Ms. Drey asked if something could be installed in her basement to prevent water from backing up into her house. Mr. Darrah told Ms. Drey to call him to discuss various backflow options.

Chairperson Stuck recessed the Regular Meeting at 7:44 p.m.

***PUBLIC HEARING
REQUEST OF OUTBACK STEAKHOUSE OF FLORIDA, LLC FOR THE INTER-MUNICIPAL
TRANSFER OF RESTAURANT LIQUOR LICENSE***

Solicitor Becker opened the Hearing on the matter of the request of Outback Steakhouse for an Inter-Municipal Liquor License Transfer. Mr. Becker explained that the Outback Steakhouse will be relocating from Wyomissing to the Broadcasting Square Shopping Center. Solicitor Becker entered Board Exhibits 1-8 into the record.

PUBLIC HEARING
REQUEST OF OUTBACK STEAKHOUSE OF FLORIDA, LLC FOR THE INTER-MUNICIPAL
TRANSFER OF RESTAURANT LIQUOR LICENSE (Continued)

Ms. Freeman, the attorney for Outback Steakhouse, briefly described the transfer from Wyomissing to Spring Township. She continued to explain that alcohol is meant to complement food sales; it is not the main attraction. Alcohol sales make up only about 14 % of their total sales. All servers at Outback have gone through the Alcohol Management Program. They have an excellent record and run a responsible operation.

Mr. Becker added an exhibit to the record, a letter of recommendation from the Planning Commission to approve the requested Inter-Municipal Liquor License Transfer.

Motion to authorize Resolution 2023-13, approval of the transfer of a liquor license into the Township for Outback Steakhouse, was made by Mr. Kocher, seconded by Mr. Wertz. All Supervisors present voted affirmatively. MOTION CARRIED

At 7:51 PM, Chairman stuck adjourned the Public Hearing and reconvened the regular meeting.

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 July 10th Meeting
2. List of Bills for Approval
 1. **General Fund - \$ 275,907.96**
 2. **Refuse Tax Fund - \$ 165,566.49**
 3. **Sewer District #3 Fund - \$ 60,868.89**
 4. **Fire Protection - \$ 50,008.97**
3. Werner Estates Project – Payment Application # 1
Ms. Houck stated that the Township had received a payment application from Construction Master Services for stormwater work that they are doing on the recreation land at Werner Farm. Great Valley Consultants recommended approval of the payment application. Mr. Moll and Ms. Houck also reviewed the documents and recommended approval.
4. West Lawn Park ADA Improvements – P.O. for Engineering Work
Ms. Houck stated that she has a purchase order request from Great Valley Consultants for the ADA Improvements that the Township is required to make at West Lawn Park. The Proposal for phase 2 of the project will cost \$21,700.00. The Parks and Recreation Board voted unanimously to recommend that the Board proceed with the project and approve the Purchase Order.
5. 1833 Salem Rd – Stormwater Management Agreement

ACTION ITEMS FOR APPROVAL: *(Continued)*

6. 8 Leland Ave – Stormwater Management Agreement
Mr. Reichert explained to the Board that the Stormwater Management Agreements are standardized agreements for installing and maintaining the stormwater facilities that will be installed at 8 Leland and 1833 Salem Rd as part of the Residential New Home Construction Projects.
7. Aggregates & Bituminous Material Contract Award
Mr. Groller stated that various items are listed in the Memo, and Mr. Darrah has reviewed the contract and recommends approval.
8. WWTP Chemical Contract Award
Mr. Groller stated that the Chemical Contract for the Waste Water Treatment Plant was put out for bid and reviewed by Mr. Darrah. After review, it is recommended that the bid is awarded to USALCO for \$599.80 per wet ton. Mr. Darrah confirmed for Mr. Stuck that the Township has been getting chemicals from USALCO since he started working for the Township.
9. Handicap Parking Permit – 2400 Block Cleveland Avenue
Chief Powell explained that a handicapped parking space request was received from the 2400 block of Cleveland Avenue. The traffic staff reviewed the request, and due to the mobility issues; it is recommended that the Handicap Parking Permit be granted.
10. Police Hiring – Certification of Eligible Hires List
Chief Powell states that following the testing procedure, there are 60 applicants on the Eligible Hires List. Chief Powell requests that the Board certify the list so that they can move forward starting tomorrow 7/25, to begin the background check process and the required testing that would lead to a potential conditional offer of employment.
11. Crime Alert Sponsorship
Berks Crime Alert has requested the Township sponsor their annual breakfast. Chief Powell asked permission to spend \$500.00 from the Pilot Fund and noted that it was budgeted. Chief Powell stated that Berks County Crime Alert provides a valuable service, providing money to people willing to provide valuable information leading to a suspect's arrest.
12. Lions Club Halloween Parade – Waiver of Fees Request
Chief Powell explained that the annual Lions Club Halloween parade will have the same route as years prior. The Lions Club requests a waiver of all the fees the Twp usually charges for Police Officers, Fire Police, Public Works Staff, and the park rental. Chief Powell recommends approval of the request.

ACTION ITEMS FOR APPROVAL: (Continued)

13. Authorization for Windfall Wyomissing, LLC – Learning Experience / Daycare at 3 Meridian – City of Reading Sewer Agreement - 3 Meridian Boulevard
Solicitor Becker stated that the Daycare Project at 3 Meridian is a project that has been going on for some time. The Learning Experience is the name of the proposed daycare along Meridian Blvd. They received final plan approval, conditional upon the Municipal Improvements Agreement being executed and the Sewer Agreement with the City of Reading. The Sewer Agreement is necessary for the treatment capacity at the City of Reading treatment plant and transmission capacity in the lines. They are looking for authorization for the approval of the City Sewer Agreement.

14. Final Payment for 2022 Road Maintenance Work
Mr. Groller stated that the request for final payment was reviewed by Kraft Municipal Services and is recommended for payment.

15. Authorization to Advertise Goose Lane Ordinance
Mr. Groller requested approval to advertise the Goose Lane Ordinance pending the Solicitor's approval. Mr. Groller explained that the draft copy is in place. Because there are three (3) weeks between Board Meetings, we request authorization to advertise the adoption of the Ordinance at the next Board Meeting, pending the Solicitor's approval. Mr. Groller explained that administrative work needs to be completed before the site opening, such as sign installation, internet and electric work for the camera system, data transfer to the admin building, employee training, and enforcement details. Mr. Groller confirmed for Mr. Stuck that the yard waste site might open towards the end of August.

Motion to approve Action Items #1-15 was made by Mr. Wertz, who refrained from voting on the payment of Fire Fund 14 and was seconded by Mr. Kocher. Upon roll call, all Supervisors in attendance voted affirmatively. MOTION CARRIED

TOWNSHIP DIRECTORS

A. Zoning/Building Codes Department: No Report

B. Parks and Recreation Department-

Mr. Stuck questioned the potential relocation of the pavilion with the kitchen mentioned in the Parks and Recreation Report. Mr. Stuck read a portion of the report that states that the Park and Rec Board continues discussing the potential location of the pavilion and kitchen. Cacoosing and Shiloh remain the most likely locations; however, reference was made to the developed site plan for Schoener Lake. Mr. Stuck states that he does not believe that the Township is looking to do something with that site. Due to the potential issues with developing the site, he believes it was removed from the Township Vision. Mr. Groller agreed and stated that the Schoener Lake location should be eliminated from consideration.

TOWNSHIP DIRECTORS (Continued)

B. Parks and Recreation Department (Continued)

Mr. Wertz asked why not install kitchens at Cacoosing Meadows and Shiloh Hills Park. Since the Township receives many requests for the kitchen at Cacoosing Meadows, why not have two kitchens available to the residents ? Ms. Houck will look into the matter and report to the Board.

Mr. Stuck commented that he likes the new Parks and Recreation Report format and asked if the Board can get the attendance amounts for all the Park and Recreation Programs on future reports.

C. Engineering/Planning Department: No Report

D. Finance Department - No Report

E. Human Resources - No Report

F. Public Works

Mr. Darrah explained that some of the damage caused by the recent flooding has been repaired permanently and some temporarily. The swale from P.J. Whelihan's to the Sewer Plant was temporarily repaired. Mr. Darrah continued to explain his concerns about the manhole that blew apart, which allowed water to enter the system, causing the water to back up to the development. Mr. Darrah stated that they are looking to divert the water flow so it does not cause the manhole to wash out again. Mr. Darrah said he would keep the Board updated on the potential costs. Mr. Stuck questioned if it would make more sense for the swale to be made of concrete rather than asphalt because every time we have a big storm, we sustain damage to the swale. Mr. Groller responded that the staff is looking into options, which will be evaluated along with the costs, and the report will be given to the Board for review.

Mr. Stuck questioned if when the macadam blows up like that, it is because water got underneath it. Mr. Darrah said that it begins at the headwall at Van Reed Rd. A sinkhole is causing the headwall to tip over. Because of this, the attached eighteen (18) inch plastic pipe bends down, allowing water to get under the asphalt, causing it to blow out. Mr. Darrah added that PennDOT owns the headwall. Mr. Darrah continued explaining that on Van Reed Rd from State Hill Road to Dwight Street, four (4) sinkholes in the road have cones, and PennDOT has yet to start work on them. Mr. Darrah described the flooding that occurred at Fritztown and Old Fritztown Road. He stated that the stormwater undercut the light pillars near Sunoco, causing them to lean over. PennDOT has since made repairs on Fritztown Rd.

Mr. Darrah complimented Schlouch Excavating regarding their quick response time and service to the Township following the flooding.

PUBLIC SAFETY

A. Police Department – Monthly Report

The monthly report was included in the Board's packet.

B. Township of Spring Fire Rescue Service – No Report

C. West Side Regional EMA – No Report

SOLICITOR: – No Report

OLD BUSINESS: Noise Ordinance Update

Chief Powell stated that he has been looking into various Noise Ordinances within the county, and the project appears to be more complicated than he first thought. Most Noise Ordinances are intended for high-density areas. Some complaints the Township receives are for farm animals in the southern part of the Township. Chief Powell recommends focusing on specific complaints such as loud noise, music, barking dogs, etc. Chief Powell continued to explain that we may have to divide the Township into zones. Chief Powell will continue to look into the matter.

NEW BUSINESS: None

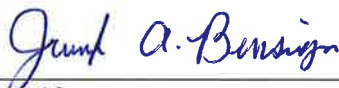
ANNOUNCEMENTS:

1. Supervisor Royer was absent from the meeting but asked Chairman Stuck to read the following comment at the meeting. Thank you to Mr. Darrah for accommodating my request for a tour of the Sewer Treatment Plant and to Andy Zimmerman and the Treatment Plant staff, that took time out of their schedules. Thanks also to the Public Works staff for the recovery efforts from the rain and flooding we experienced earlier this month. Spring Township residents are lucky to have such a capable crew and a well-run plant taking care of our waste.
2. An Executive Session was held prior to this meeting to discuss matters of personnel, real estate and potential litigation.
3. Next meeting will be held at 7:00 p.m. on Monday, August 14, 2023.

ADJOURNMENT:

There being no further business, Chairperson Stuck adjourned the meeting at 8:11 p.m.

Respectfully submitted,



Jennifer A. Bensinger
Information Systems Manager