



# TOWNSHIP OF SPRING

**BERKS COUNTY, PA**  
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## BOARD OF SUPERVISORS MEETING MINUTES

**AUGUST 14, 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, August 14, 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. Mr. Wertz and Ms. Smith attended via teleconference. Also present were: John Groller, Mary Rossi, Jim Moll, Jason Reichert, Chief Powell, Judy Houck, Jen Bensinger, Chief Hackman, Dan Becker, Esquire, Jamie Schlesinger of PFM, Kristen Wanner, Layiax White, Nate White, Charles Good, Ronald Procopio, Glen Killian, John Derr, Patricia Althouse, and Anna Thomas. Attending via ZOOM were Paul Darrah, Aaron Wozniak, and Reilly Noetzel.

**AGENDA AMENDMENTS:** None

Mr. Stuck noted the Public Comment Period allows five (5) minutes for each individual.

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

Nate White, 3016 Grandview Blvd, addressed the Board, noting that his family was in attendance. He stated he wanted to address two (2) things, the first being procedures for the Chief of Police. Mr. White said that he came this evening to see if the Board would approve of processing their complaints about the police that they submitted a year ago. Mr. White wants to address how the Township processes property maintenance complaints, believing it could look like systemic racism. He recommended that the property maintenance complaint process be changed. Mr. White noted that the police matter is a matter of life and death for him and his family and would like the Board to address how kidnapping calls are handled.

Ron Procopio, 3315 Reedy Road, stated that his concern is regarding the open canal or easement that runs along the rear of his property on Reedy Road, where stormwater drains. Mr. Procopio said this had been an issue for many years, and he and Mr. Killian have previously attended meetings to bring the matter to the Township's attention. Mr. Procopio said that he believes it is to the point that it can only carry 50 percent of the capacity it was designed for. Mr. Procopio asked the Township to come out and assess the canal. Mr. Procopio questioned if it was legal, up to code, or safe. He suggested speaking with the DEP to let them know that the stormwater is always coming into his yard, as well as everyone else's yard on Reedy Road. Mr. Procopio requested that the matter be addressed during tomorrow morning's Infrastructure Committee (IC) meeting.

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

Ron Procopio, 3315 Reedy Road *(Continued)*

Mr. Moll explained the history of the channel, noting that it was put in as part of the subdivision when the lots were created some time ago, stating that it carries stormwater from Spring Township and the Borough of Sinking Spring; essentially, it is located at the boundary between the two (2) municipalities. Mr. Moll said the last time he was involved with this was with the previous Public Works Director and had received a construction cost estimate to address the issue, including many engineering costs. The construction costs alone were going to be very high. Mr. Moll said that the IC could discuss the issue and that he believes that Township staff will need to meet with Mr. Procopio and Killian and the property owners on Reedy Road. Mr. Moll said it would probably take some exploratory measures to see what is in there; he suspects it will be an ongoing problem.

Mr. Procopio said he assumed that when the construction began where the golf course was previously located in the Borough of Sinking Spring, there had to be some calculations to remove the water that would be created from that development. He stated that with every storm, they have stormwater on their property and that his next course of action might be to contact the DEP to see if it is legal for him and everyone on Reedy Road to continue to have stormwater in their yards. Mr. Procopio said it is the Township's responsibility, as he can't do anything independently due to the easement. Mr. Moll noted that the Township can only take action after the Township has approval from the State.

John Derr, 11 Howard Street, stated that the stream empties where the other side of the Brown property is; as far as he understands, that is where the water comes from. The water comes from the creek, behind the bank, across Penn Avenue. Mr. Moll stated that since it is a watercourse and a floodplain has been established there; there are some hoops the Township would need to address and receive approval for before it could take action. Mr. Moll confirmed for Mr. Stuck that the water flows into the Cacoosing Creek and will be on the agenda to discuss at tomorrow morning's IC Meeting.

Mr. Procopio mentioned that his sewer and others had backed up during the last storm on July 9, 2023. Mr. Killian stated that he called the Township office, who referred him to Tom Bausher, the Township's Emergency Management Coordinator, to report the issue when it occurred.

Mr. Darrah said all the homes with sewage backup are on Sinking Spring Borough's line. The line was replaced last year, and it did not hold up to the storm and overflowed, which is why sewage backed up in that area. Mr. Darrah stated that he had talked to residents to let them know to call the Borough of Sinking Spring regarding the issue. He said that he had not met with the Public Works Director at Sinking Spring, but since this occurred, he was informed that the manhole around Weidman Avenue and Reedy Road had overflowed for several hours into the street. Mr. Darrah stated that he would reach out to Sinking Spring to see if they determined why their sewer line overflowed that badly, noting that having almost seven (7) inches of rain is probably why. Mr. Darrah confirmed for Mr. Stuck that he would get back to Mr. Procopio. Mr. Darrah confirmed for Mr. Procopio that a backflow preventer was not required by code when his home was built; it is an optional choice for homeowners to install.

John Derr, 11 Howard Street, stated that Eagle Disposal does not pick up trash on regularly scheduled days, noting that they picked up only once in the last five (5) months on the scheduled pick-up day. Mr. Derr questioned what the Township would do regarding Eagle Disposal not honoring their contract. Mr. Becker explained that the Township Manager has officially notified Eagle Disposal, pursuant to the contract terms, that they must follow the schedule or the notice requirements. If they don't, the Township will take action against them.

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

Patricia Schaeffer, 2703 Tennyson Avenue, and Anna Thomas, 2705 Tennyson Avenue, addressed the Board about their displeasure with the proposal for a Special Exception submitted by Service Electric to the Zoning Hearing Board. Ms. Thomas stated her concerns with the accuracy of surveying that recently occurred. Ms. Schaeffer noted that she did not know anyone could dig up spikes in your yard without your permission. Mr. Becker said that surveyors could come out and dig to try and find the property corners. If she believes the surveyor is inaccurate, she has the right to obtain a surveyor to dispute their results, noting that it is a private property issue, not a Township issue. Ms. Schaeffer said that she has had her property surveyed. Mr. Becker stated that Ms. Schaeffer should contact the realtor to show her survey results if they differ from Service Electric. Ms. Schaeffer said that she had seen a diagram of the proposed building Service Electric is proposing, noting that it includes a generator pad in the corner behind her property. She shared her concern about possible noise from the generator, as it is proposed to be where her bedroom is located, and she likes to have her windows open; she doesn't want the noise or traffic back there.

Mr. Becker stated that Service Electric is presenting its request for a Special Exception before the Zoning Hearing Board on Wednesday, August 16, 2023. Mr. Becker encouraged Ms. Schaeffer and Ms. Thomas to attend the Zoning Hearing to notify the Board about their concerns. Ms. Schaeffer expressed her concern about animals losing their natural habitat.

Mr. Stuck explained that approval for the Special Exception is made by the Zoning Hearing Board, not the Board of Supervisors. Mr. Becker said that the Zoning Hearing Board is quasi-judicial and explained the process. Ms. Thomas also expressed concern about the proposed driveway around the building.

**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 the July 24<sup>th</sup> Meeting
2. List of Bills for Approval
  1. **General Fund - \$ 459,157.36**
  2. **Street Lighting Tax Fund - \$ 25,713.21**
  3. **Fire Hydrant Tax Fund- \$ 17,770.34**
  4. **Refuse Tax Fund - \$ 156,067.81**
  5. **Park Capital Outlay Fund -\$11, 311.29**
  6. **Sewer District #3 Fund - \$ 173,292.24**
  7. **Fire Protection - \$ 45,214.77**
  8. **Capital Fund - \$ 96,921.00**
3. Sewage Bill Adjustment Request-Underground Water Line Break at 11 Howard Street  
Mr. Groller explained the request and the Township's policy for issuing credit on a sewer bill, noting that credit consideration comes after the Township receives notification from the water company that a credit was issued.

John Derr, 11 Howard Street, stated that he had an underground steel pipe that once fed a fish pond that was 8ft round and 3 ft deep with a galvanized iron pipe going into it. Mr. Derr said he disconnected the iron pipes, noting that a faucet came out of the ground, halfway between his property line and the fish tank.

**ACTION ITEMS FOR APPROVAL:** *(Continued)*

3. Sewage Bill Adjustment Request-Underground Water Line Break at 11 Howard Street  
*(Continued)*

Mr. Derr stated that he installed trees along Penn Avenue, dug up the line, replaced the faucet, and left it open for a couple of days, and it never leaked. Mr. Derr stated that one day, he went into his basement and heard water rushing out, noting that he did not see any water in his yard when he went outside. Mr. Derr said there was a leak and that 50,000 gallons of water went into the ground, under the fish tank, adding that no drop of water went into any Township street. Mr. Derr stated that his leak does not meet the criteria that the Township lists for not allowing credits, such as filling a swimming pool, irrigation, or filling a fish pond. He believes he should receive a credit on his sewer bill, as he was unaware of the broken water line.

Mr. Derr said that he called the water company, who said they could give a water credit of 20,000 gallons right off the top, adding if he went to their website, they would reduce by roughly a 1/3 or that he could contest the bill, and they would do more. Because Mr. Derr contested the bill, he said that he has until 08/25 to receive their credit. Today, he received his sewer bill from the Township for \$550.64.

Mr. Becker reiterated the Township's policy, and when the water company verifies that there was a leak in which Mr. Derr was not at fault and issues a water credit, the Township will consider a credit for the sewage with documentation.

*Mr. Stuck tabled this item until Mr. Derr receives a credit from the water company and forwards the information to the Township.*

4. PFM Financial Advisors LLC-Authorization to Issue Debt

Jamie Schlesinger gave a presentation about an opportunity for the Township to finance Capital Sewer Projects. Mr. Schlesinger explained that interest rates for borrowing are currently lower than interest rates for investing, noting that this is a unique circumstance called an inverted yield curve. Mr. Schlesinger and Mr. Groller reviewed and answered questions on the summary of debt service requirements, project funding, reimbursement resolution, an overview of new money options, and a preliminary financing timeline. The Board agreed to authorize Mr. Schlesinger to start the financing process.

5. Blacktop Award-Bid Revision

Mr. Groller stated that there was an error with the per ton/per mile costs for a portion of the aggregates and bituminous bid calculations awarded at the July 24, 2023, Board of Supervisors Meeting. Mr. Groller requested that the Board withdraw the award of the 9 MM Superpave and the 22 MM Binder course from New Enterprise Stone & Lime, located in Hinkletown, and award instead to H & K Group out of South Reading. Mr. Becker confirmed for Mr. Stuck that it should not be an issue, as there are no minimum purchasing requirements.

**ACTION ITEMS FOR APPROVAL:** *(Continued)*

6. Spring Commons Apartments

Mr. Moll stated the Land Development Plans are expiring on September 5, 2023, and the applicant is requesting an extension of time., which will expire December 8, 2023. The Planning Commission recommended granting the request.

7. Authorization to Implement the Brycer Compliance Engine

Chief Hackman stated that he is seeking authorization to review the contract with the Township's Solicitor to implement the Brycer Compliance Engine System. Chief Hackman explained that it would help in the Codes Office. Any time a contractor does something at a facility on a fire suppression system, fire extinguishers, etc., it will be entered into the system so the Department will receive real-time data. Annual notices will be sent out to track and address issues. Some surrounding municipalities using this application are Amity Township, Borough of Wyomissing, Cumru Township, City of Reading, Exeter Township, and Upper Macungie Township. Chief Hackman said there is no cost to the Township for the program.

8. Accessible Parking Space Approval

Chief Powell stated that the Department received requests for three (3) accessible parking spaces. The requests are located in the 2200 Block of Reading Avenue, the 2100 Block of Noble Street, and the 2000 Block of Spring Street. Traffic Sergeant Peterson reviewed all three (3) locations and has recommended approval.

*Motion to approve Action Items #1-2, 4-8 was made by Mr. Kocher and seconded by Ms. Smith. Upon roll call, all Supervisors in attendance voted affirmatively. Ms. Smith abstained from Action Item #1, Mr. Wertz abstained from voting on payment of the Fire Fund and Action Item #7, and Mr. Royer abstained from Action Item #1. MOTION CARRIED*

**TOWNSHIP DIRECTORS**

- A. Zoning/Building Codes Department: Mr. Wozniak submitted the monthly report for July. Chief Powell confirmed for Mr. Royer that the current renovation approval at the police building is for the porch, columns, and windows.

Mr. Wozniak confirmed for Mr. Stuck that the high number of high grass and weed complaints is typical for summer, and the dead tree issue on Wheatfield Road exists between two (2) backyards; one property is on Wheatfield Road, and the other is on Matthew Drive, explaining that this is a private property matter.

- B. Parks and Recreation Department: No Report

- C. Engineering/Planning Department:

1) 2601 Penn Avenue (Tosco's Pizzeria)

Mr. Moll stated Land Development Plans had been submitted for changes the new owners would like to make to the site. The changes include an addition to the building for a larger kitchen, additional outdoor seating, relocating the existing driveway, and re-striping of the parking lot. The Planning Commission (PC) considered the Land Development Plans and recommended the following:

**TOWNSHIP DIRECTORS** (Continued)

C. Engineering/Planning Department: (Continued)

1) 2601 Penn Avenue (Tosco's Pizzeria) (Continued)

- a. Approval of a scale waiver to allow 1"=20' instead of the specified scale of 1"=50'.
- b. Acceptance of a Single-Stage submittal as a Revision to a Plan of Record.
- c. Conditional Approval of the Final Land Development Plans, with the conditions as listed in the Township Engineering Department's review letter dated August 2, 2023, which include, but are not limited to:
  - 1) Provide names and deed information for all adjacent properties.
  - 2) Provide all certifications with the necessary signatures, seals, and notarizations.
  - 3) Provide all data for the existing streets in the area.
  - 4) Demonstrate the required PennDOT Highway Occupancy Permit for the proposed driveway relocation.
  - 5) The plans should be reviewed by Entech Engineering and the Township Infrastructure Committee, and adequate sewage capacity must be demonstrated.
  - 6) Payment of any outstanding Township invoices.

*Motion to authorize conditional approval of the Final Land Development Plans, as noted in the Township's Engineering Department's review letter dated August 2, 2023, was made by Mr. Kocher and seconded by Mr. Royer. Upon call, All Supervisors in attendance voted affirmatively. MOTION CARRIED*

2) Helping Harvest Final Land Development Plan Approval

Mr. Moll stated the PC recommended that the Board of Supervisors grant Conditional Final Plan approval for the project based on the conditions outlined in the Township's Engineering Department's review letter dated August 2, 2023. These conditions include but are not limited to:

1. Provide all certifications with signatures, seals, and notarizations.
2. A block should be added to the plans for the Township Secretary's certification that all conditions of approval have been satisfied.
3. The applicant will need to demonstrate that Erosion and Sediment Control Plan approval has been obtained.
4. An Operations and Maintenance Agreement for the stormwater controls and BMPs, and the appropriate contribution for future inspections must be made.
5. The proposed outlet pipe material should be revised to PVC or ductile iron pipe.
6. Payment of any outstanding Township invoices.

*Motion to authorize Conditional Final Plan Approval, as outlined in the Township's Engineering Department's review letter dated August 2, 2023 was made by Mr. Kocher and seconded by Mr. Royer. Upon roll call, All Supervisors in attendance voted unanimously. MOTION CARRIED.*

3) Service Electric Public Utility Building-Special Exception Request

Mr. Moll stated the request is for a Special Exception to the Zoning Hearing Board to allow an "unmanned" Public Utility Facility on the property at the corner of Shillington Road (SR 724) and Spohn Road. The undeveloped property has a drainage swale connecting storm sewers from Spohn Road to Shillington Road (SR 724). Mr. Moll indicated that this area is prone to flooding. Mr. Moll reviewed the proposal, a public utility facility with a proposed driveway from Bradley Avenue, circling the proposed building, with four (4) to five (5) parking spaces to use if there is a need to do work at the location.

**TOWNSHIP DIRECTORS** (Continued)

C. Engineering/Planning Department: (Continued)

3) Service Electric Public Utility Building-Special Exception Request (Continued)

Mr. Stuck suggested that if the Zoning Hearing Board were to approve the request, he would like authorization for the approval to be contingent upon the generator placement to be far away from residential houses. Mr. Becker noted that buffers or enclosures could be utilized.

Mr. Moll said the property goes over to Spohn Road and Bradley Ave. Mr. Moll said the owners of record also own two (2) parcels adjacent to this property. Mr. Moll explained a concern of the PC was if the applicant would market the corner lot, it would leave a small landlocked parcel. This issue is addressed in the recommended conditions.

Mr. Moll explained that the request for a Special Exception is a permitted use, requiring specific procedural criteria to be met. The PC did not make a recommendation to the Zoning Hearing Board for this request. The PC did note if the Zoning Hearing Board were to grant the request, they recommended the following:

1. The required twenty-foot buffer yard, including a planting screen or a fence, be provided anywhere the property directly abuts a residential use.
2. The applicant should discuss with the Township the potential expansion of the existing easement that encompasses the drainage swale which crosses the property.
3. Recommendation to absorb the adjacent lot into the subject parcel or annex to one of the adjacent parcels to resolve the issue of lots potentially being landlocked.
4. A condition that no more of the project site than necessary be disturbed than is required for the improvements shown on the plans.

Mr. Royer stated that he would like to follow the PC's recommendation of not making a recommendation to the Zoning Hearing Board for approval, but if the Zoning Hearing Board were to approve the Special Exception request, the Board of Supervisors would like to recommend the conditions noted by the PC and require the installation of a noise buffering measures, including, but not limited to buffers, shelters, or enclosures for the generator, and install a gate at the entrance of the private drive; ensuring accessibility for emergency personnel.

*Motion to recommend to the Zoning Hearing Board that if they grant the Special Exception request, they would like to recommend the conditions as noted by the PC, as well as the requirement of a noise buffering measure for the generator and the installation of a gate at the entrance of the private drive was made by Mr. Royer and seconded by Mr. Kocher. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED.*

4) 3738 Blimline Road-Appeal of Decision by the Zoning Officer

Mr. Moll stated that the property owners are appealing the decision of the Zoning Officer. The property consists of 1.3 acres initially created in the Subdivision Plan that intended to have single-family residences. The property currently has a number of apartments which are not permitted in this district, and the Township issued no permits for the use. The Zoning Officer issued a Notice of Violation, which the applicant is appealing to the Zoning Hearing Board. Mr. Moll reviewed some of the site's history, including code violations addressing safety issues. The PC reviewed the request and recommended that the Zoning Hearing uphold the decision of the Zoning Officer.

**TOWNSHIP DIRECTORS** (Continued)

C. Engineering/Planning Department: (Continued)

4) 3738 Blimline Road-Appeal of Decision by the Zoning Officer (Continued)

Reilly Noetzel, Attorney for the applicant, stated that their position at the Zoning Hearing Board will reflect that the Township knew or should have known the occupancy of the apartments. The property has been assessed as a dwelling with multiple apartments, indicating some level of knowledge that this property was used for multi-family use. Mr. Noetzel stated that their position is that the property has been that way since the 1950s and has appraisal reports, tax assessment records, and letters of permit exchanges with the Township indicating the apartment use. There were prior violations that had to be corrected with the sewage system on the property, which is another complexity the applicant needs to address. Mr. Noetzel said through the various inspections and exchanges with the Township, their position is that the Township knew about it or had the means to inspect the property. Noetzel said that the applicant is looking for the Board of Supervisors not to take a position since it is the Zoning Hearing Board's decision.

*Motion to recommend to the Zoning Hearing Board to uphold the decision of the Zoning Officer and have representation for the Township attend from Kozloff Stoudt was made by Mr. Kocher and seconded by Mr. Royer. Upon roll call, All Supervisors in attendance voted affirmatively.*

**MOTION CARRIED.**

D. Finance Department - No Report

E. Human Resources - No Report

F. Public Works -No Report

**PUBLIC SAFETY**

A. Police Department –Chief Powell thanked Ms. Houck, Mr. Darrah, and Chief Hackman for their participation and assistance with National Night Out and thanked the Township officials who attended and Mr. Groller, who ensured the trash was removed.

B. Township of Spring Fire Rescue Service – Chief Hackman submitted the monthly report for July.

C. West Side Regional EMA – No Report

**SOLICITOR:** – No Report

**OLD BUSINESS:** Noise Ordinance Update

Chief Powell provided an outline of comparable noise ordinances as requested. Chief Powell said that the Township is unique in that there is a relatively densely populated area and areas where it is much more agricultural. The Board decided to review the information provided by Chief Powell and discuss it at the next meeting.

**NEW BUSINESS:** None



**ANNOUNCEMENTS:**

1. Mr. Groller said he and Mr. Moll are participating in a stormwater meeting with the Borough of Sinking Spring tomorrow with representatives from Johanny Cepeda-Freytiz's office.

Mr. Stuck noted if Sinking Spring is building the development where the golf course was located, then they will need to ensure that the stormwater will flow where it needs to flow and not cause issues. Mr. Becker explained the problem becomes a Stormwater Engineer type of question and process.

Mr. Stuck said that if the Township is looking at stormwater, he would like to recommend that while staff is looking at that area, they also investigate the site at Cacoosing Creek, possibly looking into bank restoration along the creek. Mr. Moll indicated that a few years ago, there was a Conservation District Project for that area, indicating a meeting a few years ago with several other municipalities. Ms. Houck indicated that the Township has done several stream bank stabilization projects within the park over the past eight to ten years. Ms. Houck confirmed for Mr. Stuck that she is looking into having the creek dredged; she has contacted the Conservation District and attended a workshop last week about erosion and sedimentation. She requested a contact to start addressing it, noting that it is a DEP project. Mr. Moll pointed out that it is part of the MS4 umbrella and the two (2) grant projects that the Township is in the process of is addressing those types of issues.

2. Mr. Wozniak provided a memo informing the Board that one of the Zoning Hearing Board (ZHB) Members is moving out of the Township, scheduled at the end of September, and the Board will need to select a new primary member. Mr. Wozniak said that the ZHB does have an alternate who has participated a few times. Mr. Moll indicated that there are currently two (2) alternates.

Mr. Stuck asked about ZOOM regulations. Mr. Becker said that Ms. Bensinger had discovered some new techniques, noting that she does an outstanding job when she needs to remove someone. The new techniques allow Ms. Bensinger to click and mute everyone at once, and she can immediately remove the unwanted ZOOM participant.

Mr. Stuck inquired the status of the sidewalks on Penn Avenue. Mr. Moll stated that there was an extension of time related to the permits submitted by Great Valley Consultants.

An Executive Session was held prior to this meeting to discuss potential litigation.

Next meeting will be held at 7:00 p.m. on Monday, August 28, 2023.

**ADJOURNMENT:**

There being no further business, Chairperson Stuck adjourned the meeting at 9:09 p.m.

Respectfully submitted,

  
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Mary L Rossi  
Township Secretary