

TOWNSHIP OF SPRING

BERKS COUNTY, PA

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BOARD OF SUPERVISORS MEETING MINUTES

JUNE 26, 2023

OPENING OF MEETING: Chairperson Stuck called a regular business meeting of the Board of Supervisors to order at 7:10 p.m. on Monday, June 26, 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, Judy Houck, Aaron Wozniak, Chief Powell, Jim Moll, Jason Reichert, Chief Hackman, Dan Becker, Esquire, James Lambert, Mike & Donna Zaun, Carlyle Zaun, Megan Herr, Harrison Herr, Graham Herr, Chazz Aden, Danielle & Jon Zaun, Cindy Bartsch, and Spring Township Police Officers. Carol Wenrich & Eugene Horst attended via ZOOM.

AGENDA AMENDMENTS: Mr. Kocher requested to add a discussion of a Noise Ordinance under New Business. *Motion to amend the agenda was made by Ms. Smith and seconded by Mr. Wertz. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED*

2022 SPRING TOWNSHIP POLICE OFFICER OF THE YEAR:

Chief Powell recognized Spring Township Police Department's (STPD) 2022 Officer of the Year, Detective Jon Zaun. Detective Zaun has worked in the Criminal Investigation Division since 2021 and is a member of County Task Forces, including the Drug Task Force, Human Trafficking, and the Emergency Response Team. Chief Powell highlighted Detective Zaun's many accomplishments and noted that Jon's wife, Danielle, and multiple members of Jon's family were in attendance this evening.

OPEN TO THE FLOOR:

James Lambert, of 304 Bard Avenue, stated that he had been a resident of the Township for thirty-three (33) years and just discovered last week that trash is billed based on the number of occupants in his residence. Mr. Lambert said that the Township should include the information on the tax bills or in the Township newsletter. The data is on the Township website, but some information was inaccurate, causing confusion. Mr. Lambert said that his youngest son moved out in 2014 when he went to college, so for the last nine (9) years, he has been paying for trash for three (3) people, with only two (2) people living in the house. Mr. Lambert said that he is applying for a credit for the nine (9) years he has been overpaying, adding that it could be approximately \$1,000.00. Mr. Lambert suggested that the Township update its information as soon as it changes and suggested adding the information to the tax bill.

OPEN TO THE FLOOR: *(Continued)*

James Lambert, 304 Bard Avenue *(Continued)*

Mr. Groller said that the County generates the tax bills, and the Township is restricted to the amount of space that can be used on the tax bill itself. Mr. Groller said that the Township is in the process of updating the website, noting the current issues with the existing site. Mr. Groller explained that the Township will add the information to the next Communicator.

Chazz Aden, District Office Director to Representative Johanny Cepeda-Freytiz, stated that he wanted to stop by and say hello, and let the Board know that they appreciate the use of the office space. Mr. Aden confirmed for Mr. Stuck that they have yet to have a lot of traffic at the office; they are spreading the word that they are at the Township, alternating Fridays with Senator Schwank's office for any constituents needing their services.

Carol Wenrich, Owner of the 665 Old Fritztown Road property, stated that she and her husband had done a lot of work there. The holdup presently is the septic system, which is on the agenda this evening. Ms. Wenrich asked if it was approved this evening if they could proceed.

Mr. Becker said that if the Board approves the Holding Tank Agreement proposed septic system this evening, he encourages Ms. Wenrich to call Mr. Wozniak tomorrow to review the next steps.

Eugene Horst, 311 Mail Route Road, stated that he pays for recycling through the Township and has to hire his trash hauler. Mr. Horst explained his difficulty finding a trash hauler, noting that they all say they cannot pick up trash at his location as they were not awarded the contract. He has called several companies and is told they cannot come into the area.

Mr. Stuck stated that the haulers are permitted to pick up in the area of the Township that is not under contract, as the Township does not provide trash service in the southern end of the Township due to how rural the area is. Recycling pickup is mandated, and the Township does this throughout the entire Township. Mr. Horst stated that he would like to use the hauler he hires for trash as his recycling hauler instead of the company under contract with the Township so that he can pay one fee rather than two.

Mr. Royer stated that he lives on Fritztown Road and has his own hauler and Township recycling. Mr. Royer suspects that if Mr. Horst included recycling with one hauler, he would see a price increase, similar to what everyone pays in the Township, or they would just throw the recycling in with the trash.

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 May 22nd Meeting
2. List of Bills for Approval
 1. **General Fund - \$382,242.30**
 2. **Street Lighting Tax Fund- \$50,083.54**
 3. **Refuse Tax Fund- \$210,018.32**
 4. **Park Capital Outlay Fund- \$ 2,985.00**
 5. **Sewer District #3 Fund-\$147,758.53**
 6. **Fire Protection-\$50,619.04**
 7. **Capital Fund-\$411.75**

ACTION ITEMS FOR APPROVAL: *(Continued)*

3. Automotive Fuels Contract

Ms. Houck recommended that the Board award the 2023-24 Automotive Fuels Contract to Petroleum Traders of Fort Wayne, Indiana. The per gallon price for unleaded fuel is \$2.6198, and the per gallon price for diesel fuel is \$2.6126. These per-gallon prices are \$1.52 and \$2.18, respectively, lower than last year's. Ms. Houck confirmed for Mr. Stuck that after re-bidding a second time last year, prospective bidders, six (6) in all, were contacted to determine why they chose not to bid for our contract, and they stated that the Township's contract is too large for them.

4. Abuse/ Molestation Policy Update

Ms. Houck stated that the Township received a request from the Township's Insurance Company, EHD, to update the Physical and Sexual Abuse Policy in reference to the Two-Deep Leadership Policy. EHD would like the policy to apply to all programs and events, not just those where minors are involved. The Parks and Recreation Board recommended approval of the updated policy at their June 15th, 2023 meeting. Ms. Houck confirmed for Mr. Stuck that the Two-Deep rule for Summer Playground Programs has always been in effect.

5. 2023 Roadwork Project

Mr. Groller stated that the Township's Street Engineer, Kraft Municipal Group recommends that the contract be awarded to H&K Group, Inc. at the cost of \$981,402.35., which is about \$80,000.00 less than the Engineer's cost estimate. Mr. Groller and Mr. Darrah confirmed for Mr. Stuck that the Township is below budget for roadwork for the year. Mr. Darrah stated that he anticipates doing more work in-house.

6. Handicap Parking Space-2500 Block of Jefferson Avenue

Chief Powell stated that Traffic Sergeant Peterson reviewed the site and application and recommended approval for the accessible parking space.

7. Holding Tank Agreement- 665 Old Fritztown Road

Mr. Wozniak stated that the Wenrichs, owners of the Camelot Inn located at 665 Old Fritztown Road, submitted a Holding Tank Agreement for their on-lot septic disposal option for the tavern use. The dwelling on the property will receive a new septic system. The Agreement includes a \$1,000.00 escrow if the Township ever needs to step in to maintain the system.

8. Formal Offer of Employment

Mr. Groller recommends hiring Jason Reichert as the Full-time Township Assistant Engineer at a starting salary of \$110,000.00, noting Mr. Reichert has completed the background screenings required for the Township. Mr. Groller and the Board welcomed Mr. Reichert to the Township.

9. Property & Liability Insurance Renewal

EHD Insurance provided the Township's renewal numbers for July 1, 2023 thru June 30, 2024. Mr. Groller explained the factors contributing to an increase of approximately 20%, noting that the Township went through an in-depth analysis this year with the insured values due to inflation and replacement cost. Mr. Groller pointed out a significant increase in police professional liability and that the renewal rate aligns with industry averages and is within the budget.

ACTION ITEMS FOR APPROVAL: *(Continued)*

10. Purchase Order for a 2023 Ford F350 –New Holland Auto Group

Mr. Groller stated the purchase cost for the new vehicle is \$51,600.00 and is through CoStars.

Motion to approve Action Items #1-10 was made by Mr. Kocher and seconded by Ms. Smith. Upon roll call, All Supervisors in attendance voted affirmatively. Mr. Wertz abstained from voting on payment for Fire Fund 14. MOTION CARRIED

TOWNSHIP DIRECTORS

A. Zoning/Building Codes Department-

Mr. Wozniak submitted the monthly report for May, including a copy of a letter sent to property owners on Blimline Road that received some notices that will result in hearings.

Mr. Stuck stated that a resident approached him about dog waste in their yard and questioned if the Township had an Ordinance to address it. Mr. Wozniak noted that the Property Maintenance Code can identify unsanitary conditions; if there is too much dog waste, it will fall under that; otherwise, that is the extent of what the Township has to address it.

B. Parks and Recreation Department- No Report

Mr. Stuck stated that he received a question from a resident about the backstops the Township took out at Cacoosing Meadows Park and reported that the benches still need to be removed. Mr. Stuck questioned if the Township paid to remove the backstops and the scope of work, showing pictures of the site with big holes. Ms. Houck said the backstops were removed and reinstalled at two different parks. Ms. Houck noted that removing the benches was outside the scope of work and explained that they were not being replaced at other parks, so the plan was to wait and have the benches removed when all the backstops were done to recreate the fields. Mr. Stuck stated that this was approved a few years ago and expressed concern that someone would be injured with these large holes at the Cacoosing Meadows Park. Mr. Stuck confirmed the holes were where the backstop posts were located, and questioned why the contractor would not have filled the holes in. Ms. Houck confirmed that she would look at the site in the morning.

Mr. Stuck asked for a status on the Comprehensive Plan. Ms. Houck stated that Township is waiting for the Draft Report from the consultants. The next Committee Meeting is July 25, and the consultants said that they would have it to the Township two (2) weeks before the next Committee Meeting.

Mr. Stuck asked for a status on the West Wyomissing property. Mr. Becker stated that there is a revised Draft Agreement and that the Township will return it to DCNR. Mr. Stuck confirmed for Ms. Houck that an RFP for the Master Site Plan should be ready when the Township takes possession of the property. Mr. Becker pointed out that the Township can prepare a Master Site Plan anytime, but the Township would be spending money before owning the property. Mr. Stuck said the Township should wait until it takes ownership, and the RFP shall be ready to go out when the purchase is complete.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department

1. Juliana's Restaurant- Final Approval of the Land Development Plan

Mr. Moll said the Planning Commission (PC) recommended conditional approval of Juliana's Restaurant Land Development Plan. The PC's recommendation was conditioned upon Mr. Moll's letter, dated May 31, 2023, essentially consisting of the following:

- 1) All signatures, seals, and notarizations.
- 2) Execution of the Stormwater Agreement
- 3) The Maintenance Fund Contribution

Mr. Moll also recommends that final approval is contingent upon all outstanding invoices being paid to the Township.

Motion to approve the Final Plan of Juliana's Restaurant contingent upon satisfying the conditions in Mr. Moll's letter dated May 31, 2023 and receipt of all payments due to the Township was made by Ms. Smith and seconded by Mr. Wertz. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED

2. R. Weller II Minor Subdivision Final Plan

Mr. Moll stated the PC recommended conditional approval contingent upon the proof of approval of the application that the property owner has submitted to the National Diversity Inventory, which has to be done as part of the Planning Modules, and also the approval of the Planning Modules themselves. Mr. Moll is recommending approval contingent upon payment of all Township invoices due.

Motion to recommend conditional approval of the R. Weller II Minor Subdivision with noted conditions, was made by Ms. Smith and seconded by Mr. Wertz. Upon Roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED.

3. Approval of Bid for the Stormwater Management Facility at Yerger Boulevard.

Mr. Moll said this is the second of two (2) MS4 Projects that the Township has received grants for from the DEP. Great Valley Consultants (GVC) recommends the Township award the bid to J. Phillips Excavating & Hauling, LLC in the amount of \$237,032.35, pending receipt of all bonds and insurance certificates. Mr. Moll confirmed for Mr. Stuck that the scope of work is Phase 1, which is improvements to the existing basin to hold back water and remove sediment.

Motion to award the bid to J. Phillips Excavating & Hauling, LLC, pending the receipt of all the bonds and insurance certificates, was made by Ms. Smith and seconded by Mr. Kocher. Upon roll call, All Supervisors in attendance voted unanimously. MOTION CARRIED

4. Outback Steakhouse Request for Hearing for Liquor License Transfer

Mr. Moll said that Outback Steakhouse Restaurant is moving to the Broadcasting Square Shopping Center. They must get approval from the State for a liquor license transfer to that location. Mr. Moll requested authorization to advertise the Hearing for the Board of Supervisors Meeting on July 24, 2023 at 7:15 p.m.

Motion to approve advertising for the hearing for the liquor license transfer for Outback Steakhouse was made by Ms. Smith and seconded by Mr. Kocher. Upon roll call, All Supervisors in attendance voted affirmatively. MOTION CARRIED.

TOWNSHIP DIRECTORS (Continued)

C. Engineering/Planning Department (Continued)

5. Broadcasting Square West- Sanitary Sewer Easement

Mr. Moll stated due to the construction of the proposed Outback Steakhouse; the applicant must relocate a portion of the existing Township Sanitary Sewer that passes through the location. The work is complete; the request is to change the sewer easement. Mr. Moll requested authorization to amend the existing Sanitary Sewer Easement Agreement and record the Agreement upon satisfaction by the Township Solicitor and the Township's Engineering Department.

Motion to approve Broadcasting Square's Sanitary Sewer Easement and record the Agreement upon satisfaction of the Township Solicitor and the Township's Engineering Department was made by Ms. Smith and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively.

MOTION CARRIED

6. Stanford Avenue Basin-Easement Agreement

Mr. Moll stated that the Wyomissing Creek Watershed Coalition has requested to make improvements to the Township's Stanford Avenue Detention Basin. The first step is to perform some subsurface investigation to ensure what they have in mind will work. The Township has prepared a Temporary Easement Agreement, allowing them to come out and perform that work, which does not include digging; it will all be done with surface equipment. Mr. Moll confirmed for Mr. Royer that there is language in the Agreement that if anything is disturbed, it must be restored. Mr. Moll reviewed the diagrams and the Project and requested that the Board authorize conditional approval, subject to the Coalition approving the Agreement.

Motion to authorize conditional approval of the Temporary Easement Agreement, conditioned upon approval of the Wyomissing Creek Watershed Coalition, was made by Ms. Smith, seconded by Mr. Kocher. Upon roll call vote, All Supervisors in attendance voted affirmatively. MOTION CARRIED

7. McMillan Subdivision-Sewage Facilities Planning Module Approval

Mr. Moll requested that the Board of Supervisors authorize the appropriate Township officials to sign the Planning Modules and the Resolution for the DEP.

Motion to authorize the signatures of the appropriate Township Officials to sign the Sewer Planning Module and the Resolution to send to the DEP was made by Mr. Kocher 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 updated the Board on the progress of the Goose Lane Yard Waste Project. Paving and restoration of the ground are complete, and the fence and gates were installed. Next week the electricity will be installed, and any remaining items should be complete within the next two (2) weeks. The next step is to work with the Township's SEO on the Agreement and procedure for access cards for residents. Mr. Darrah said that the engineering firm was very impressed with the work done by the Township staff on the project. Mr. Stuck noted that he has seen on social media that residents are thankful that the Township took on this project. Mr. Darrah confirmed that people stop to let staff know that they are grateful. Mr. Darrah stated the goal is to have both yard waste sites require access cards to eliminate illegal dumping, which is costly to the Township and residents. Mr. Groller confirmed that the administrative process must be approved before opening the site.

PUBLIC SAFETY

- A. Police Department –Chief Powell submitted the monthly report for May.
Update on hiring: Chief Powell said that the Department had twenty-four (24) candidates take and pass the written test. The top twenty(20) scores moved forward to the physical agility testing, including 21 people with the top 20. Twenty of the twenty-one showed, and eighteen passed. At this time, there are eighteen moving forward to the Oral Examination. Chief Powell asked if any Board Members would like to sit in on the examinations, starting on July 13, July 17, and July 20th as an overflow day.

Mr. Royer said that he had seen a lot of social media posts about a coyote, or what many people think is a mangy fox, and wondered if the police department had heard anything. Mr. Darrah said that staff had seen the mangy fox at the sewer plant and down the street. Chief Powell said that they only heard about it after the fact. Mr. Royer said someone tagged him on Twitter about the numerous unleashed dogs at Shiloh Hills Park. Chief Powell recommended that residents call when this occurs rather than after the fact.

- B. Township of Spring Fire Rescue Service- Chief Hackman submitted the monthly report for May.
- C. West Side Regional EMA –No Report

SOLICITOR –No Report

OLD BUSINESS: None

NEW BUSINESS:

Mr. Kocher said that a resident asked him for the Township to look into adopting a noise ordinance. The resident looked at some comparable municipalities for what they have to address noise issues. Mr. Kocher noted that he would be interested in having Township staff contact different municipalities to see what they do about noise and noise enforcement. The Board discussed the issue and the possible difficulty with enforcement. Mr. Kocher confirmed that he would like staff to explore it.


ANNOUNCEMENTS:

1. On June 8, 2023, the Board met in Executive Session on potential litigation, and an Executive Session was held prior to this meeting to discuss potential litigation and personnel issues.
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,



Mary L. Rossi
Township Secretary