



# TOWNSHIP OF SPRING

**BERKS COUNTY, PA**

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## **BOARD OF SUPERVISORS MEETING MINUTES December 11, 2023**

**OPENING OF MEETING:** Chairperson Stuck called a regular business meeting of the Board of Supervisors to order at 7:00 p.m. on Monday, December 11, 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, Royer, Smith and Wertz were present. Also present were John Groller, Jim Moll, Jason Reichert, Chief Powell, Aaron Wozniak, Paul Darrah, Judy Houck, Chief Hackman, Jeremy Baez-Reyes, Jen Bensinger, Daniel Becker; Esq, Ryan Hunchar; FastBridge Fiber, Emmet Flynn; FastBridge Fiber, Kelsey Frankowski; FastBridge Fiber, John T. Dunston of 504 Harvard Blvd and Jaime Biaz Jr of State Representative Johanny Cepeda-Freytiz' s Office.

**AGENDA AMENDMENTS:** None

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

John T. Dunston of 504 Harvard Blvd came before the Board to inquire about the status of the Sanitary Sewer Upgrade Project. Mr. Darrah told Mr. Dunston the contractor, Wexcon, is currently tied up on another project right now, but weather depending, the project may start in January and it will take approximately 8-9 months to complete. Mr. Dunston also inquired about the Harvard Boulevard Road Project and expressed concerns for the pothole on the 200 block of Harvard Blvd.

Kelsey Frankowski council for FastBridge Fiber LLC addresses the Board regarding the conduit cabinet approval. Mr. Becker asks Ms. Frankowski if she could describe the cabinet and tell the Board how it will be used. Ms. Frankowski defers to Ryan Hunchar of FastBridge Fiber to describe the cabinet. Mr. Hunchar states that there will only be one cabinet in the Township of Spring. The cabinet is where the Fiber will start and feed out to the terminals. The cabinet will be five (5) feet tall and three (3) feet wide by three (3) feet deep. The cabinet will be placed on a three (3) foot by three (3) foot concrete pad. Mr. Moll describes the proposed location of the cabinet to be located along the frontage of the Township Fire Department property along Harrison Ave. The cabinet would be approximately Twenty nine to thirty (29-30) feet north of the existing utility pole and about five (5) feet setback from the curb. Mr. Hunchar interjects that new plans have been submitted showing the cabinet setback seven (7) feet from the curb to allow a future sidewalk and be further from the utility pole so as not to impact the sight triangle as greatly. Mr. Hunchar confirms that the cabinet will be entirely in the right-of-way for Harrison Ave. Mr. Hunchar describes the concrete pad as being a flush mount pad. Mr. Moll expresses concern regarding the height of the structure within the right-of-way. Mr. Moll clarifies that the proposed structure is actually 5'2" tall. Mr. Moll was concerned that if the pad were above grade that it would increase the height of the structure in the right-of-way. Mr. Stuck questions the storm inlet that is located in Harrison Ave and expresses concern for potential utility impact. Mr. Becker points out a white rectangular box structure located to the north of the proposed cabinet. Chief

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

Hackman explains that the structure is a trench simulator pit that is designed for trench rescue training. Mr. Becker asks Chief Hackman if the proposed cabinet will interfere with training. Chief Hackman states, as long as the cabinet is at least five (5) feet away, it should be ok. Mr. Hunchar states that it will be more than five (5) feet away. Mr. Kocher questions if the applicant had investigated other cabinet locations. Mr. Hunchar explains that they did look into the other side of the Harrison Avenue, but the Owls Organization had concerns with the increased vehicular and foot traffic during the summer months. Ms. Smith asks if FastBridge had considered a location along Monroe Avenue due to the location of the fire-training pit. Mr. Hunchar explains that as long as the cabinet is not too far away from the utility pole, placing the cabinet on Monroe Ave is an option. Mr. Moll asks Mr. Hunchar if that utility pole is the only pole, from which you can achieve power for the cabinet. Mr. Hunchar explains that they have spoken with PPL, and that pole, is the one PP&L recommended. Mr. Becker asks with all the buildings and poles located on the other side of the street, did you look into that area? Mr. Hunchar explains that the area is not conducive for a cabinet. There will be a lot of traffic in the summer with the baseball program and the space is tight with all the existing utilities and structures. Mr. Moll reaffirms with FastBridge asking for confirmation that this will be the only cabinet in Spring Township. Mr. Hunchar confirms that there will be no other cabinets in Spring Township. He continues to explain that light levels in fiber decrease after so many miles, kind of like electricity, after a certain distance and number of splices, the amperage drops. This cabinet serves as a midpoint to the area. Mr. Royer questions the cabinet's durability due to the proximity to the baseball field. Mr. Hunchar ensures that the cabinet can withstand a baseball impact. Mr. Stuck asks if another pole can be used to receive power. Mr. Hunchar states, based on the power specifications of the cabinet, PPL had recommended that particular pole. Mr. Flynn from FastBridge points out that this particular power pole has a transformer mounted on top. Mr. Stuck says he is not against the need for the cabinet, but he has concerns with the proposed location. Ms. Smith agrees and states the cabinet would be better located on Monroe Avenue, away from the stormwater inlet and the fire-training pit. After further discussion, it was determined that placing the cabinet on Monroe Ave, to the east of the stop sign, and screening it with shrubbery so as not to be so conspicuous was an agreeable solution. FastBridge Fiber is to work with Mr. Moll regarding the placement of the cabinet and screening so as not to obstruct the clear sight triangle of the intersection.

*A Motion to Authorize FastBridge to proceed to construct the fiber cabinet on the Monroe Avenue side of the intersection of Monroe and Harrison Avenues located outside the clear sight triangle and include screening of the box was made by Ms. Smith and seconded by Mr. Royer. Upon roll call, all Supervisors present voted affirmatively. MOTION CARRIED*

Jaime Biaz Jr introduced himself to the Board of Supervisors and stated that he was here on behalf of State Representative Johanny Cepeda-Freytiz office who serves the 129<sup>th</sup> District and was here to serve the Township's legislative needs.

**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 November 27<sup>th</sup> Meeting
2. List of Bills for Approval
  1. General Fund - \$394,017.33
  2. Street Lighting Tax Fund - \$26,702.97
  3. Refuse Tax Fund - \$117,037.51
  4. Sewer District #3 Fund – \$93,481.85
  5. Fire Protection- \$50,946.37

**ACTION ITEMS FOR APPROVAL** (Continued)

3. 2024 Meeting Schedule
4. Approval of Payment Application No. 4/Contract Change Order No. 1 for the Werner Estates Storm Water Project  
Ms. Houck requests authorization for payment of application number four (4) for the Stormwater Management Project that is happening at the Werner Estates recreation area. Payment application number four (4) is for the amount of \$33,161.97. Ms. Houck also requests approval of a contract change order in the amount of \$837.92. All items have been reviewed by Mr. Moll and Great Valley Consultants and are recommended for approval.
5. Conditional Offer of Employment – Recreation Program Coordinator  
Ms. Houck requests permission to extend a conditional offer of employment for the Recreation Program Coordinator Position that is currently open in the Parks and Recreation Department.
6. Approval of Escrow and Indemnity Agreement with CG Broadcasting, LLC  
Mr. Moll explains that CG Broadcasting, LLC is the Concordia Group people that have met with the Township regarding the conceptual plans for the 100-Acre Tract, which is located at the corner of Paper Mill Rd and Broadcasting Road. There has been no official submittal before the Planning Commission. Township employees have spent time looking at the plans and answering questions. Because they have not paid any fees as of yet, we have asked them to enter into an agreement to post \$25,000 for the Township to draw upon for our expenses. Once the money gets below a certain point, they will replenish the amount. Mr. Moll adds that this is also an indemnity agreement. Mr. Becker explains that this really is a Professional Services Agreement. Mr. Becker adds that CG Broadcasting, LLC has sent over a copy of the proposed Ordinance changes and they are waiting for the agreement to be signed so that the Township can start the review of the Ordinance changes.
7. Extension of Time for Lilyfield Mini-Storage  
The Township has received an Extension of Time request from Sawyer One, LLC to grant a time extension until March 12, 2024 in which to consider the Land Development plans. Mr. Moll explains that the applicant did receive the Zoning Variances they requested from the Zoning Hearing Board.
8. Wilson SD – Financial Security Waiver Request  
The School District is going through the final stages of approval prior to the work beginning. The School District had requested that they not be required to post Financial Security for the construction of the improvements. There was an improvements agreement that was worked upon and a cost estimate by Great Valley Consultants. Wilson School District requests that they not be required to post that money. In the event the Township approves the waiver request, Mr. Moll suggests that we require a Stormwater Agreement. There is language in that agreement that requires future inspections and there is money in that agreement that will cover the cost of future inspections.

*A Motion was made by Ms. Smith and seconded by Mr. Wertz to waive the requirement for the Wilson School District to post Financial Security for the construction improvements but still require them to Post the fees for the Stormwater Agreement. Upon roll call, all Supervisors present voted affirmatively.*  
**MOTION CARRIED**

**ACTION ITEMS FOR APPROVAL** (Continued)

9. Yerger Blvd SWM Facility – Payment Request

The Township has received the first payment request for the work being done to the storm sewer facility along Yerger Blvd across from Schoener Lake. The payment request is for the amount of \$198,911.04. The Township did achieve grants for this project and we will be submitting for reimbursement.

10. Formal Offer of Employment – Police Department

Chief Powell requests a formal offer of employment for Michael Southwick who has successfully completed all the conditional requirements to become a Police Officer Cadet. Chief Powell requests a start date of January 2, 2024. Mr. Southwick would begin the Reading Police Academy on January 15, 2024. The starting salary at his start date is \$25.00 per hour thru his successful completion of the Academy and Certification from the State as a police officer.

11. Handicap Parking Space Requests – Portland Avenue

The Township has received two requests for handicap parking spaces for the 1800 block of Portland Avenue. Sgt. Peterson of the Traffic Unit reviewed both cases and recommends approval of both parking requests.

12. Authorization to Vacate Current Police Hiring List

Chief Powell asks the Board of Supervisors to vacate the current Police Hiring List. The reason being that the list has dropped below three (3) eligible candidates, which adversely impacts the Township's ability to hire the best potential candidate. Chief Powell states that we would start the process again in the New Year and begin the testing process to get a candidate for the July Academy Class.

*Motion to approve Action Items #1- #7 and #9 - #12 was made by Mr. Kocher and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively, with Mr. Wertz abstaining from voting on payment of Fire Fund #14 and Mr. Stuck abstaining from payment # 110345, 110363, and 110378.*

**MOTION CARRIED**

**TOWNSHIP DIRECTORS**

A. Zoning/Building Codes Department – Monthly Report

Mr. Wozniak submitted a monthly report for November. Mr. Wozniak updates the Board on the status of a convenience store located behind Scuba Venture on Penn Avenue. The new store does meet the definition of Convenience Store as defined in the Zoning Ordinance. Convenience Store is a Use Permitted by Right in that Zoning District. The business will need to go through the permit process and demonstrate means of egress. They are not currently allowed to operate and the doors have been posted.

Mr. Royer asks Mr. Wozniak regarding the basketball net located in the right-of-way. Mr. Wozniak explains that the basketball net was within the street directly across from the Fire Station.

Mr. Wertz inquires about the Texas Roadhouse sign waiver requirement. Mr. Wozniak explains that Texas Road House is seeking to add another sign along Paper Mill Rd. Because Texas Road House is located in the Planned Residential Development (PRD), they are limited to the sign size

## **TOWNSHIP DIRECTORS (Continued)**

- A. Zoning/Building Codes Department – Monthly Report (Continued)  
restraints of 12 square feet and therefore require a waiver of these requirements.

Mr. Stuck inquires about the number of feral cats permitted on a property. Mr. Wozniak explains that the only recourse that we have available to residents complaining about feral cats is the Trap Neuter and Release Program. Once a complaint is received, the Township would offer the resident a voucher for the Trap Neuter and Release program. The Township does not currently have an ordinance pertaining to cats. Mr. Stuck expresses concerns for the number feral cats in the neighborhood that lay in the middle of the street.

- B. Parks and Recreation Department – No Report

Ms. Houck is asked how the Comprehensive plan is coming along. Ms. Houck reports that she is supposed to receive the third draft by Thursday, December 14.

- C. Engineering/Planning Department

1. Fast Bridge Fiber Request-Utility Cabinet in ROW –  
Listed under Open to the Floor

2. 10 Beaver Road Mini-Storage Plan Withdrawal Request

The Township has received a formal request from the applicant of 10 Beaver Road Mini-Storage Project to withdraw the plans from the planning review process of the Township.

- D. Finance Department - No Report

- E. Human Resources – HR Consultant Discussion

Due to conflict of Interest, Chairman Stuck and Ms. Smith recused themselves from the discussion. The Township received a revised proposal from Paragon Consulting Services pertaining to pricing of the HR services they provide the Township. Mr. Groller compared HR services with other municipalities of similar size and received pricing from other HR consultants in the area. Upon further discussion, the Township decided to stay with Paragon Consulting Services at the revised rate and continue with the same services with a one 1-year contract.

*A Motion was made by Mr. Wertz and seconded by Mr. Royer to go with Paragon for 1 Year at a monthly rate of \$5,500, which includes the same level of services and hours.*

*Upon roll call, Mr. Wertz, Mr. Royer, and Mr. Kocher voted affirmatively. MOTION CARRIED*

- F. Public Works – No Report

## **PUBLIC SAFETY**

- A. Police Department – No Report

- B. Township of Spring Fire Rescue Service – Chief Hackman submitted a monthly report for November.

- C. West Side Regional EMA – No Report

## **SOLICITOR** - No Report

## **OLD BUSINESS** – None

**NEW BUSINESS** - Robert Penney-Resignation from ZHB

The Township received a letter of resignation from Robert Penney who is resigning from the Zoning Hearing Board. The Zoning Hearing Board currently has an alternate, Emily McNulty, who previously expressed interest in serving on the Zoning Hearing Board. Mr. Wozniak points out that if she were to fill the vacant Zoning Hearing Board position, it is important to have an alternate and the Board should consider starting the process to fill that position.

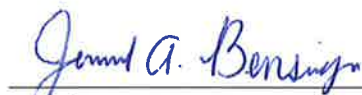
**ANNOUNCEMENTS:**

1. BOS Committee List for 2024 was distributed
2. Before this Meeting, An Executive Session was held to discuss matters of personnel, potential litigation, and real estate.
3. Next Meeting will be held at 8:00 a.m. on Thursday, December 21, 2023.

**ADJOURNMENT:**

With no further business, Chairperson Stuck adjourned the Meeting at 8:11 p.m.

Respectfully submitted,



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Jennifer A Bensinger  
GIS Engineering & Planning Coordinator