



# TOWNSHIP OF SPRING

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## **BOARD OF SUPERVISORS MEETING MINUTES MAY 13<sup>TH</sup>, 2024**

**OPENING OF MEETING:** Chairperson Smith called a regular business meeting of the Board of Supervisors to order at 7:00 p.m. on Monday, May 13, 2024, 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 Smith, Stuck, Wertz, and Royer were present. Supervisor Kocher attended via teleconference, joining at 7:05 p.m. Also present were John Groller, Dean Murray, Mary Rossi, Paul Darrah, Jen Bensinger, Jeremy Baez-Reyes, Chief Hackman, Aaron Wozniak, Judy Houck, Chief Powell, Jim Moll, Jason Reichert, Colin Macfarlane, Esq, Kelly Ryan, Stenographer, Denny Boyer of Signature Signs, Inc, Pabb Gonzalez and Dary Garcie of Morning Fuel. Jon Jordan, Esq for Morning Fuel, attended via ZOOM.

**OPEN TO THE FLOOR:** None

**AGENDA AMENDMENTS:** None

**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 April 22, Regular Business Meeting
2. List of Bills for Approval
  1. **General Fund - \$747,472.06**
  2. **Street Lighting Tax Fund- \$26,780.16**
  3. **Fire Hydrant Tax Fund- \$10,074.68**
  4. **Refuse Tax Fund- \$134,117.48**
  5. **Park Capital Outlay Fund- \$1,275.39**
  6. **Sewer District #3 Fund- \$397,355.01**
  7. **Fire Protection- \$144,968.39**
  8. **Capital Fund- \$23,473.86**
3. Resolution 2024-14 Dwight Street Bridge Replacement Project-Federal Aid Authorizing the appropriate Township official to execute the General Reimbursement Agreement for the Dwight Street Bridge Replacement Project.

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

4. Resolution 2024-16 Recycling

The resolution authorizes revising the recycling text per the Township Recycling Ordinance for community events to include high-grade office paper and leaf waste.

*Motion to approve Action Items #1-4, was made by Mr. Stuck and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively, with the following abstentions: Mr. Wertz abstained from voting on payment for Fire Fund #14, Mr. Stuck abstained from voting on payment of checks 111339, 111394, and 111369, and Ms. Smith abstained from voting on payment of check 111394. MOTION CARRIED*

5. 665 Fritztown Road Project-Waiver Request

Mr. Reichert reviewed the request from the applicant for a waiver of the requirement to submit Preliminary and Final Plans, requesting a combined, single-stage process for a property at 665 Fritztown Rd. The property, formerly the Camelot Inn, is vacant and contains a single-family detached dwelling along with the former restaurant/tavern. The applicant intends to renovate and re-open the restaurant and improve the existing parking lot on the property. Mr. Reichert noted that the Planning Commission reviewed the request at their public meeting on May 2, 2024, and recommended that the Board of Supervisors grant the requested waiver.

*Motion to grant the waiver of the requirement to submit separate Preliminary and Final Plans, as specified by Sections 502 and 602 of the Subdivision and Land Development Ordinance (SALDO) for the property at 665 Fritztown Road (formerly the Camelot Inn), was made by Mr. Stuck and seconded by Mr. Kocher. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

6. Sunoco Montello Terminal Waiver Requests

Mr. Moll stated that Sunoco Pipeline had submitted Land Development Plans to the Planning Commission (PC) to upgrade its pentane blending process at the tank farm on Fritztown Road. The applicant proposes to update its current facility with additional tanks, construct new earthen containment, truck offloading, turn-around areas, and install above-ground piping/electrical/controls equipment.

Mr. Moll stated that the applicant has requested three (3) waivers from the provisions of the SALDO.

The waivers requested are:

- §502(A) A waiver of the requirement to submit Preliminary Plans and permission to submit a single-stage process consisting of combined Preliminary/Final Plans.
- §503(C)(B)(2) To use plan scales of 1"=100', 1"=30' and 1"=20', rather than the specified scale of 1"=50".
- §503(C)(C)(6) This section requires a registered surveyor to certify to the accuracy of the property survey.

Mr. Moll said that the Planning Commission (PC) recommended that the Board of Supervisors grant the requested waivers.

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

6. Sunoco Montello Terminal Waiver Requests (Continued)

Mr. Moll confirmed for Mr. Royer that the request for approval is not for the project but for procedural considerations and that it has been in the last five (5) years that the applicant has submitted a similar request.

*Motion to approve the waivers, as requested by Sunoco Pipeline from the SALDO, was made by Mr. Stuck and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

7. Hofmann Industries-Waiver Requests-Item Tabled

8. 2408 Jefferson Ave- Extension of Time

Ms. Bensinger stated that Snyder Surveying LLC submitted an extension of time request for Township action on behalf of the property owner of 2408 Jefferson Avenue for a revised 4-lot Minor Subdivision Plan. The PC recommended approval of the extension of time at their regular public meeting held on May 2, 2024. The current expiration date is June 6, 2024, and the proposed extension date is July 22, 2024.

Mr. Stuck questioned if there is room to build a home on the proposed location. Mr. Moll indicated that the PC would review the submission in June.

*Motion to approve the extension of time request for the applicant for 2408 Jefferson Avenue was made by Mr. Wertz and seconded by Mr. Stuck. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

9. Gring's Hill Section 5-Extension of Time

Mr. Reichert stated the applicant submitted a request for an extension of time. The applicant proposes subdividing the property into ten (10) lots for single-family dwellings. The project is in the preliminary submission stage and is being reviewed with the PC. The proposed expiration date is September 23, 2024.

*Motion to approve the extension of time request for Gring's Hill Section 5 was made by Mr. Stuck and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

*Ms. Smith recessed the Board of Supervisors Meeting.*

7:15 p.m. Colin Macfarlane, Township Solicitor, opened the advertised Public Hearing for the Intermunicipal Liquor License Transfer Application by Morning Fuel Wyomissing, LLC. Morning Fuel seeks to use a restaurant liquor license at 3024A Penn Ave. The liquor license was currently used at 2295 Lancaster Pike, in Cumru Township.

*Motion to close the hearing was made by Mr. Stuck and seconded by Mr. Wertz. Upon roll, All Supervisors present voted affirmatively. MOTION CARRIED*

Board Decision-Public Hearing-Request by Morning Fuel Wyomissing, LLC  
*Motion to adopt Resolution 2024-17, which includes the following two requirements (among other standard conditions listed in the resolution) that liquor sales for this restaurant may occur between 7:00 a.m.-10:00 p.m. Monday through Saturday and 9:00 a.m.-10:00 p.m. on Sundays. Either requirement is under the Zoning Ordinance, which states that food sales must outnumber liquor sales. The motion was made by Mr. Stuck and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively.*  
**MOTION CARRIED**

*Ms. Smith reconvened the regular Board of Supervisors Meeting.*

10. Fire Rescue -Records Management System -Purchase Order 2024-0032

Chief Hackman stated that federal law requires the Department's Records Management System for Incident Reporting is based on the NIFIRS Standard and that it is required to receive state and federal grants. The Records Management System (RMS) also tracks personnel, equipment maintenance, inventory, training, inspections, and community outreach. After evaluating three different systems, the Department selected First Due. The Purchase order is \$11,850.00, which includes a one-time fee for transferring existing data, training for all personnel, and a six-month subscription. The RMS will have a recurring annual cost of \$15,200.00. Chief Hackman confirmed for Mr. Stuck that it was a budgeted item.

*Motion to approve Purchase Order # 2024-0032 in the amount of \$11,850.00 payable to First Due Management System was made by Mr. Stuck and seconded by Mr. Royer. Upon roll call, all Supervisors present voted affirmatively, with the exception of Mr. Wertz, who abstained. MOTION CARRIED*

11. Shiloh Hills Meadow Management/Hay Production Contract

Ms. Houck stated that the contract was put out to bid this year and recommended that the contract be awarded to Matt Balthaser in the amount of \$1,500.00. The contract begins July 1, 2024, and expires November 15, 2024. The contract may be extended by mutual agreement of both parties at the 2024 contract price for an additional one (1) year. Ms. Houck confirmed for Mr. Stuck that Mr. Balthaser will pay the Township \$1,500.00 to mow and remove grasses in the form of hay bales at most twice a year at the field at the Shiloh Hills Park.

*Motion to approve the Shiloh Hills Meadow Management Contract was made by Mr. Royer and seconded by Mr. Stuck. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

12. Entech Work Order-Screw Press

Mr. Darrah stated the work order from Entech, EWO-230319.200 is for additional tasks related to the Screw Press Design, Permitting, and Bidding. Mr. Darrah reviewed several issues discovered, noting the additional engineering cost is \$56,000.00. The Infrastructure Committee (IC) recommended approval of the EWO at the May 7, 2024 IC Meeting.

*Motion to approve 4644-Engineering Work Order 230319.200 for the Screw Press Project for Entech Engineering at a cost of \$56,000.00 was made by Mr. Stuck and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

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

13. Entech Work Order- Reading Avenue Sanitary Sewer-Tabled
14. Retroactive Authorization Grandview Boulevard Closure  
*Motion to approve the retroactive Grandview Boulevard Closure was approved by Mr. Stuck and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

**TOWNSHIP DIRECTORS:**

- A. Zoning/Building Codes Department -Mr. Wozniak submitted a monthly report for April. Mr. Wozniak confirmed for Mr. Royer that the Township is receiving questions related to food trucks.
- B. Parks and Recreation Department- No Report
- C. Engineering/Planning Department
  - 1) Discovery Credit Union-PRD Sign Waiver  
Mr. Moll stated that on behalf of Discovery Federal Credit Union, located at the intersection of Paper Mill Road and Century Boulevard, Signature Signs Inc. has requested a waiver of the sign regulations in the Planned Residential Development (PRD) Ordinance to permit the installation of a proposed sign at 2744 Century Boulevard within the Spring Ridge PRD.

Mr. Moll reviewed the waiver requests, noting the proposed location of the sign would be in a sanitary sewer easement, permitted signs allowing for an LED-Illuminated Electronic Message Center as this type of sign is not listed as a permitted sign under this section of the PRD Ordinance, and a request to allow a waiver of relief from the Duration of Message provisions as outlined in the Ordinance.

Mr. Moll stated that the Planning Commission (PC) reviewed the waiver requests at their public meeting on May 2, 2024, and recommended that the Board of Supervisors deny the requested waivers due to (1) the proposed sign location being within the sanitary sewer easement and (2) the duration of the electronic message not conforming to the provisions in the Zoning Ordinance.

Dennis Boyer, Owner of Signature Signs, Inc., addressed the Board, stating that Signature Signs, Inc. has been in business for 53 years. Mr. Boyer reviewed the proposed location of the sign. He indicated that he brought a copy of an email from the President and CEO of Discovery Credit Union, Michelle Smith, stating that Discovery Credit Union is willing to sign a document accepting financial responsibility to remove the sign should there be a need to access the sewer lines. In his opinion, Mr. Boyer stated that the proposed alternate location for the sign is too far from the road and defeats the purpose.

Mr. Boyer stated the other waiver request he wanted to bring up is the allowable duration of the message, noting the history of regulations when electronic signs first came out. Mr. Boyer indicated that there has never been a documented case where an electronic message center caused an accident, noting that state regulations along highways allow for changing the message every 8 seconds. In his opinion, Mr. Boyer indicated that the one (1) minute permitted in the Township is overkill.

**TOWNSHIP DIRECTORS:** *(Continued)*

C. Engineering/Planning Department *(Continued)*

1) Discovery Credit Union-PRD Sign Waiver *(Continued)*

Mr. Macfarlane questioned what would happen if the Township needed to access the sewer line and could not get to it because the sign was in the way and asked how deep the hole was where the sign was supported. Mr. Boyer indicated that the hole is 6' deep. Mr. Darrah confirmed that it would be difficult to access the sewer line if the sign was in the proposed location, noting that it would also be on a bank.

The Board reviewed and discussed the proposed site. A key point included that if the Township needed to access the sewer line, it would need to be done immediately, and the Township could not wait 24 hours for someone to remove the sign.

Mr. Moll confirmed for Mr. Macfarlane that if the property owner decided to put the sign on their private property outside of the easement, the applicant would still have the waiver issues regarding the proposed sign size, timing, and type of sign. After the discussion, the Board took the following action for the requested waiver requests from the following conditions of the PRD Ordinance.

***Motion to deny the waiver request 1) Section 202 Definition of Easement-Requires the Owner of the property not erect any permanent structure within an easement and 2) Section 608 Utility Easements- requires easements for sanitary sewers and that no structures shall be placed within such easements was made by Mr. Stuck and seconded by Mr. Kocher. Upon roll call, All Supervisors present voted affirmatively.***  
***MOTION CARRIED***

***Motion to approve the waiver request Section 614(B)(5)Sign Regulations- Limits the area of a non-residential sign to twelve (12) square feet was approved by Mr. Stuck and seconded by Mr. Royer. After roll call, All Supervisors in attendance voted affirmatively.***  
***MOTION CARRIED***

***Motion to approve the waiver request Section 614(B) Permitted Signs was made by Mr. Stuck and seconded by Mr. Royer. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED***

The following is a request for a waiver from the Zoning Ordinance

***Motion to approve the waiver request Zoning Ordinance Section 606(F) Duration of Message for ECCS with a 20 second duration was made by Mr. Stuck and seconded by Mr. Royer. Upon roll call, the Board voted the following: Mr. Stuck-(Yes), Mr. Royer-(Yes), Mr. Wertz-(yes), Ms. Smith-(yes), and Mr. Kocher-(no). MOTION CARRIED 4-1***

Ms. Smith told Mr. Boyer that the sign is permitted outside the easement.

Mr. Moll confirmed that a permit from the Codes Department will be required.

2) Lilli's Ranch House-Waiver of Land Development Process

Ms. Bensinger stated that C2C Design Group submitted a request for a Waiver of the Land Development Process on behalf of Lilli's Ranch House. The applicant is proposing to install a 720-square-foot patio that will contain six (6) tables and a total of 24 seats in the area of the existing sign in front of the restaurant. The property is located in the Penn Avenue Commercial (PAC) zoning district and the Penn Avenue Overlay (PAO) District.

**TOWNSHIP DIRECTORS:** *(Continued)*

C. Engineering/Planning Department *(Continued)*

2) Lilli's Ranch House-Waiver of Land Development Process *(Continued)*

Ms. Bensinger said that the current total impervious coverage is 94%, which is a preexisting nonconformity, and that with the proposed project, it will be approximately 96%. The applicant must seek relief from the Zoning Hearing Board for the total impervious coverage requirement, Section 314(F).

Ms. Bensinger reviewed the following comments from the Planning Commission's (PC) review.

- Noted that applicant will meet parking requirements
- The Codes Department must have Building Code & Zoning Ordinance approval
- The Fire Marshall proposes bollards placed so as not to allow a vehicle to pass through the seating area.
- The Township Sewer Engineer recommended that the applicant purchase an additional EDU for the calculated additional 168 gallons per day.

Ms. Bensinger said the Planning Commission Meeting (PC) reviewed the application. The PC recommends that the Board grant a waiver of the Land Development process with the condition that the applicant address all issues raised by the Engineering Department (including resolution of the impervious coverage issue), the Codes Department, the Fire Marshal, and the Entech Sewer Engineer. Mr. Moll reviewed the impervious coverage issue, and Mr. Reichert noted some porous paving options.

*Motion to grant the Waiver of the Land Development Process with noted conditions as outlined in the Engineering Review letter dated May 2, 2024, was made by Mr. Stuck and seconded by Mr. Royer. Upon roll call, all Supervisors present voted affirmatively.*  
**MOTION CARRIED**

3) 3043 Marcor Drive-Variance Request for Rear Yard Setback

Ms. Bensinger reviewed the request submitted by Eric Kupp of Kupp Construction on behalf of the property owners of 3043 Marcor Drive in the Wilshire Meadows Development. The applicant is proposing to enclose an existing deck on the property. Ms. Bensinger noted that the minimum rear yard requirement in the Moderate Density Suburban (MDS) District is 30 feet, and the existing deck is approximately 22 feet from the rear property line. Ms. Bensinger said that because the applicant wants to enclose the deck with walls, windows, and a roof, it becomes an addition, and must comply with the minimum 30-foot rear yard setback.

Ms. Bensinger said that the applicant states that there will not be an increase in impervious coverage because of the existing deck, and the roof drains will be connected to the existing drains of the house, which go down to the street. At their regular meeting on May 2, 2024, the PC chose not to make a recommendation to the Zoning Hearing Board.

*The Board of Supervisors opted not to make a recommendation to the Zoning Hearing Board on the Variance Request for 3043 Marcor Drive.*

**TOWNSHIP DIRECTORS:** (Continued)

C. Engineering/Planning Department (Continued)

4) Authorization to Amend Sewer Ordinance

Mr. Reichert stated that Entech Engineering, Inc. presented their recommendation to the Infrastructure Committee (IC) Meeting held on May 7, 2024, to revise the definitions of "Lateral" within the Township's Sewer Ordinance. Mr. Reichert said that the Township is preparing construction specifications for low-pressure systems. He noted that the existing lateral definition dictates where the Township's maintenance responsibility ends and is not currently compatible with the facilities provided with such a system. Mr. Reichert stated that the IC Committee recommended that the Board authorize the Township Solicitor and Engineering Staff to prepare the necessary changes to the Sewer Ordinance.

*Motion to authorize the Township Solicitor and Engineer Staff to prepare the necessary changes to amend the sewer ordinance was made by Mr. Stuck and seconded by Mr. Wertz. Upon roll call, All Supervisors present voted affirmatively. MOTION CARRIED*

D. Finance Department –No Report

E. Human Resources – No Report

F. Public Works- Mr. Darrah stated that New Enterprise Stone & Lime Co., Inc. recently milled and overlaid Miller Road, Gelinsger Road, and Wheatfield Road, noting that they were all damaged during the pipeline installation.

**PUBLIC SAFETY**

A. Police Department Chief Powell stated that the Department completed the requested Speed Study on Wernersville Road. Ultimately, 85% of the speed was slightly over 35 mph in a 35-mph zone northbound and southbound. Southbound, only 40 vehicles out of 21,560 would have been citable, resulting in less than 1% of the vehicles were non-compliant. Northbound results for four days captured 9,681 vehicles; out of that, only 14 were considered non-compliant. Chief Powell said the road is zoned Semi-Urban and is one of two roads in the Township that is not 25mph. (The other is a small portion of Fritztown Road, a State road.)

Mr. Stuck said he and Mr. Wertz attended last week's meeting with residents about developing a park at the old West Wyomissing Elementary School. One of the things that came up as the speed limit in that area, the lack of stop signs, and the lack of anything to slow traffic down in an area where there are a lot of children in the neighborhood.

Chief Powell stated that the Department can do additional traffic enforcement and speed studies. Mr. Moll confirmed that adding stop signs to areas to control traffic is not an acceptable control device. Ms. Houck confirmed three (3) school bus stops in that area. Chief Powell indicated he would contact the concerned residents directly.

B. Township of Spring Fire Rescue Services – Chief Powell submitted a monthly report.

C. West Side Regional EMA – No Report

Hackman - MR 5/29/24

**SOLICITOR** – No Report

**OLD BUSINESS:** None

**NEW BUSINESS:** None




**ANNOUNCEMENTS:**

1. Ms. Smith announced that there was an Executive Session before the meeting to discuss litigation, real estate, and personnel matters.
2. Next meeting will be held at 7:00 p.m. on Tuesday, May 28, 2024.

**ADJOURNMENT:**

There being no further business, Chairperson Smith adjourned the meeting at 8:50 p.m.

Respectfully submitted,

  
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Mary L. Rossi  
Township Secretary