

CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING **FEBRUARY 20, 2024**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President Lisha Rowe at 7:00 p.m. Other Commissioners in attendance were Vice President Greg Miller, David J. Batdorf, Andy Donnell, and William B. Miller. Also attending were Solicitor Kelsey Frankowski, Chief of Police Madison Winchester, Fire Chief James Beane, Superintendent of Public Works Robert McNichols, Jr., Asst. Superintendent of Public Works Michael Yost, Jr., Manager/Secretary Jeanne E. Johnston, Business/Personnel Administrator Peggy A. Carpenter, Special Projects/Asst. Secretary Patricia A. Wylezik-Pfeiffer, Joseph P. Rogosky of Great Valley Consultants, and Building Code Official William Frymoyer, Sr.

NOTICE:

Public comment will be accepted in person. Please include your first name, last name and address for all comments. Any comments without a name or address will not be considered. To accommodate as many people as possible, we request that each person's comments be limited to 3 minutes. The meeting comment period is limited to a total of 60 minutes. This time period may be extended at the discretion of the Commissioners. While public comments will be given due consideration, immediate responses will be done at the discretion of the Commissioners.

Pledge to the Flag.

PUBLIC

Attendance: Bill Dorward of Kutztown, Ellen Condon, Mike Nowotarski, Dennis Baker, Jenna Earley for Titus, Ruth O'Leary, Bev Leonti, Joe D'Ascenzo of Titus, Donna Parker of Titus, Roxann Miller, Roberta Kennedy, Barbara Nagle, Kevin Armour, Glenn Emery, Donald Spitler of Wernersville, Sam Kalbach, Bob Matt, Ben Fisher, and Sheldon Meyer.

Several members of the public indicated that they wished to speak at the meeting.

A.) Mike Nowotarski, a resident of Freemansville Rd., wanted to know how two Commissioners that were voted out of office could be voted into positions of power. He asked about changing the bylaws.

B.) Roxann Miller, a resident of Hilgert Ave., voiced her concern about the misinformation that she had read today about the Ambulance Liaison appointment. She recounted a traumatic family experience that required ambulance service. Her daughter received expensive bills for the service. Sam Kalbach, as the previous Cumru Township ambulance representative, was immensely helpful and rectified the situation. Mr. Donnell stated that liaisons are necessary and that it is important to have accountability to the residents. Ms. Johnston stated that the person in this position would be a communicator; the person would not have authorization to move money or control TowerDirect's services.

C.) Kathy Burke, a resident of Chip Lane, stated that since Ruth O'Leary was voted out as Commissioner, she should not be allowed to have voting rights. Mr. William Miller responded that the Vacancy Board person only votes in the event of a tie. Mr. Donnell said that if Ruth was nominated, that she could vote for herself. Atty. Frankowski acknowledged that it could be

possible. Mr. William Miller stated that Ruth O'Leary gave 20 years of service. Mrs. Burke stated that she believes that Ruth has her own agenda and she is not here for us. Mr. Donnell said the issue is disenfranchising the voters. Mrs. Miller asked if the Commissioners represented all the residents. The focus should be on all the voters, not just the ones against the warehouse. Mr. Donnell replied all.

D.) Bill Burke, a resident of Chip Lane, said that 20 years does not mean anything. There should be no careers in government. Mr. William Miller replied that she was elected each time.

E.) Glenn Emery, a resident of Fairway Rd., talked about democracy at work. He recounted that Mr. Greg Miller and Mr. Donnell voted against appointing Ruth O'Leary.

AMBULANCE SERVICE

A.) Monthly Report – January 2024

APPROVE MINUTES

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE MINUTES OF 1/16/24 – REGULAR MEETING AND 1/30/24 – 5TH TUESDAY MEETING AS SUBMITTED.

TREASURER

A.) Monthly Report – January 2024

Mrs. Carpenter informed the Board that the Liquid Fuels audit for 2021 and 2022 went well and had no findings. The Herbein 2023 audit starts next Monday February 26, 2024. The Teamsters audit will be on March 19, 2024.

Mr. Greg Miller questioned the fire station construction account. There was discussion about how the 2020 bond money is in arbitrage and there are now limits on the interest earned.

TAX COLLECTOR

A) January 2024 Report

1) Year 2023 Real Estate

Balance collectable beginning of month – \$75,804.43

Cash collected – \$0

Balance collectable end of month – \$0

2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$0

Additions - \$5,685.57

Cash collected – \$1,435.10

Balance collectable end of month - \$4,250.47

3) Year 2022 Interim Real Estate

Balance collectable beginning of month – \$40.32

Cash collected - \$0

Balance collectable end of month - \$0

- 4) Year 2023 Per Capita
Balance collectable beginning of month – \$13,675.00
Cash collected – \$3,330.00
Exonerations - \$100.00
Balance collectable end of month - \$415.00

DEPARTMENTS

Police Department

A.) Monthly Report – January 2024

There were no questions about the monthly report.

B.) Towing – authorize Spitler’s Towing for emergency towing services

- 1) Memorandum from Office Nathan Bentz re: Spitler’s Towing complies with rules and regulations, dated 1/15/2024

Ms. Johnston reported that Spitler’s Towing has fulfilled all the requirements including insurance and bonding for non-consensual towing.

Chief Winchester said that the Township has documents to regulate towing. The Township currently has 2 approved towing companies, Matos and V&M Towing. He requested that the Board authorize placing Spitler’s Towing on the list.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE SPITLER’S TOWING TO BE ADDED TO THE APPROVED TOWNSHIP LIST FOR EMERGENCY TOWING SERVICES.

Fire Department

A.) Monthly Report – January 2024

Chief Beane said that they are using a new reporting system. There were 99 calls in January.

Mr. Donnell asked about the software and Chief Beane replied that the approved software reports to the state.

B.) Fire Station Phase 1 – authorize payment #19 (Final)

- 1) Letter from Atlas recommending payment #19 (Final) in the amount of \$92,322.42 to Ankiewicz Enterprises, Inc., dated 2/16/2024

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE PAYMENT #19 (FINAL) TO ANKIEWICZ ENTERPRISES, INC. FOR \$92,322.42 FOR THE FIRE STATION PHASE 1.

C.) Assistance to Firefighters Grants (AFG) – consider approval to apply

- 1) FY 2023 AFG application period is open through March 8, 2024

Chief Beane requested approval to apply for AFG with an application deadline of March 8, 2024. The grants give greater priority to certain items. It is possible that the Township could apply for funds for new equipment. If awarded, the grant money must be used within 24 months.

In response to a question from Mr. William Miller, Chief Beane confirmed that AFG was different from the State Fire Commissioner grant for \$45,000 that the Township received. The grant money already received was used to buy updated equipment to help standardize all the equipment for operational effectiveness.

Mr. Donnell confirmed that the Township could apply next year as well.

Ms. Johnston reported that she and Mrs. Wylezik-Pfeiffer attended the webinar series for these grants. The grant program focuses on unsafe or insufficient equipment in rural communities.

The Board concurred with applying for the AFG grant.

D.) Tower 42 – consider motion to sell

Chief Beane requested that the Board consider selling Tower 42. The 2011 tower truck carries no water, hoses or pumps so it needs to be supported by another fire engine. The Fire Department does not have enough staff to run it. Neighboring departments provide aerial support while Cumru Township Fire Department focuses on engines and tankers. It has approximately 12,000 miles and is in exceptional condition. Chief Beane recommended listing Tower 42 on Fireline, which charges a 7% broker fee.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO LIST TOWER 42 FOR SALE ON FIRELINE.

E.) 711-717 Philadelphia Ave. – follow up on status report

1) consider scheduling hearing

The first step was to get a 3rd party report about the condition of the buildings. The report from Ralph “Skip” Cross of GVC was submitted to the Board. Atty. Frankowski advised that the next step is to send letters to the owners and schedule a Public Hearing pursuant to notice to hear findings of fact. A stenographer will be needed for the Public Hearing.

Mr. Greg Miller asked about “sealing” the properties. Chief Beane stated that the properties were condemned on the date of the fire and were secured as much as possible. Mr. Frymoyer said that 717 is secured, but 715, 713, and 711 are not secured. He said that the Codes Department had sent letters but there were no responses. Atty. Frankowski advised that the properties could be secured and a lien could be placed on the properties for the costs incurred by the Township.

Mr. William asked if the Public Hearing would be a special meeting or held before a regular Board of Commissioner meeting. Ms. Johnston said that it could take some time and that a special meeting might be better. The Board agreed to have a special meeting. Ms. Johnston requested that the Board send emails with possible dates for the special meeting.

Mr. Donnell asked if the letter to the owners could include a notice and deadline to secure the property. Atty. Frankowski agreed that the hearing notice and deadline to secure the property can be included in the same letter. The Codes Department can cite the owners if they don’t comply.

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADVERTISE A PUBLIC HEARING FOR 711-717 PHILADELPHIA AVE. AND SEND A HEARING NOTICE AND DEADLINE TO SECURE THE PROPERTIES TO THE OWNERS.

F.) 501 Governor Drive Fire Escrow – authorize releases

1) deduction for fees to Township

2) release of remainder, upon approval of the Solicitor

Chief Beane reported that the Township received a \$50,000 fire escrow for the fatal fire in 2019. The property, which was sold several times, has finally been fixed up.

Ms. Johnston gave a brief history of events. The owner passed from injuries during the fire. The brother inherited the property and sold it to Mr. Lugo. Mr. Lugo assigned the escrow to an LLC. and did not fix the property in accordance with codes. Mr. Lugo lost his appeal to the Berks County Appeals Board. He still owes approximately \$7,900 in fines to Cumru Township. The property was sold again to Awakening Properties. The Bank intervened. A certificate of occupancy (CO) was issued last week. The property is on the market to be sold.

Atty. Frankowski will investigate the disposition of the escrow. The Board deferred a decision until that determination is made.

Administration

A.) Codes Department – January 2024

Building Permits Issued – 10

Use Permits Issued – 1

Zoning Permits Issued – 5

Notices of Violations – 19

Citations issued – 0

Violations complied – 7

Phone calls from contractors, realtors & public approximately – 177

Properties condemned – 0

Permit Inspections Done – 30

Inspections with the Fire Department – 2 (Harbor Freight and Storage World)

Training Seminars attended – 1

B.) Berks County Building Codes Association – proposed codes apprenticeship program – request for participation by Cumru Township

- 1) presentation by William Frymoyer, Building Inspector
- 2) introductory letter
- 3) proposed administration and structure
- 4) proposed agreement
- 5) draft flyer

William Frymoyer, Sr., Cumru Township Codes Official and President of Berks County Building Codes Association (BCBCA), reported that the BCBCA is trying to start a codes apprentice program to help address the shortage of Codes Officials. This would be a 501C3 nonprofit program. He requested that the Township consider joining by signing the non-binding agreement. The state will not give approval without municipal commitments.

Ms. Rowe asked who is eligible for the program. Mr. Frymoyer answered anyone over 18 years old.

Mr. Donnell asked if there would be a conflict like the other “shadowing” program from the school. Mr. Frymoyer stated that there should not be a conflict because code officials are not part of the bargaining unit.

Atty. Frankowski said that she has questions and has tried to reach the BCBCA solicitor, Atty. Mayfield.

Mr. William Miller asked about costs to the Township. Ms. Johnston replied that an apprentice would be a Township employee so there would be salary and benefit costs.

The Board was generally in agreement with such a program but would like more information from the Solicitor on specifics.

C.) Opioid Settlement – consider acceptance or rejection of bankruptcy plan

1) Chapter 11 notice for Endo Intl. PLC and associated debtors, received 2/1/2024

Ms. Johnston reported that a decision was needed by tomorrow. She recommended accepting the bankruptcy plan because the Township might receive money. Atty. Frankowski agreed.

Mr. Greg Miller asked why Cumru Township would be included. Ms. Johnston replied that the Township has had reportable incidents (deaths). Chief Winchester confirmed that the incidents are not increasing but they are not decreasing either.

ON MOTION OF MS. ROWE, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE TO ACCEPT THE OPIOID SETTLEMENT BANKRUPCY PLAN.

D.) MS4 Activities – update

1) Berks County Science and Engineering Fair

2) Shillington Cub Pack 236 and Angelica Creek Watershed Assoc.

Ms. Johnston reported that she is Chairperson for the Wyomissing Creek Watershed Coalition (WCWC) and Vice-Chairperson of the MS4 Steering Committee. The MS4 Steering Committee sponsors many educational programs such as a boat race in the Angelica Creek using recycled materials, stormwater video contests, and sponsoring a prize at the Berks County Science and Engineering Fair this year. Ms. Johnston will be one of the judges.

The Shillington Cub Pack 236 had contacted the Township about a possible stream clean-up in the Governor Drive area. They will be partnering with the Angelica Creek Watershed Assoc. for a May clean-up.

E.) Request for Commendation of TJ Baker for Black History Month – consider

Ms. Johnston informed the Board that the Township had been contacted by the NCAAP group about honoring a Governor Mifflin Graduate for Black History Month, TJ Baker.

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO APPROVE A COMMENDATION FOR TJ BAKER, A GOVERNOR MIFFLIN GRADUATE, FOR BLACK HISTORY MONTH.

F.) Planning

2023 – 01 KRAMER SUBDIVISION -CEDAR TOP RD.

(Final Minor) Owners: Donna L. & Jon G. Kramer; Agent: John W. Hoffert, P.L.S.,LTD.; Location: 1166 Cedar Top Rd; Parcel ID# 39-530513148778; Plan no. D-23-04; Proposal Summary: Subdivision of parcel into 2 lots: Existing and proposed residue use – single family dwelling with on-lot water and sewer; Proposed Lot 1 use - single family dwelling with public water and sewer; approved 4/18/23

1) DEP Sewage Planning Module proposed revision approval, dated 02/07/24

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO REAFFIRM CONDITIONAL PRELIMINARY/FINAL APPROVAL, AS APPROVED ON 4/18/23 TO THE KRAMER SUBDIVISION-CEDAR TOP RD. CONDITIONED ON RECEIVING DEP APPROVAL OF THE SEWAGE PLANNING MODULES AND PAYMENT OF A FEE IN LIEU OF OPEN SPACE, PAYMENT OF TRAFFIC IMPACTS FEES, PAYMENT OF ANY OUTSTANDING INVOICES, AND SEALS/SIGNATURES ON THE DRAWING.

2023 – 05 MITNICK SUBDIVISION – Reaffirm Approval

(Final Minor) Owners: Paul David & Ellen Marie Mitnick; Agent: John W. Hoffert, P.L.S.,LTD.; Location: 47 Maple Grove Rd; Parcel ID# 39-439302998417; Plan no. D-23-27-1; Proposal Summary: Subdivision of parcel into 2 lots: Existing and Proposed Lot 1 use– single family dwelling with on-lot water and sewer; Residue use – passive recreation; approved 07/18/2023, reaffirmed approval 09/19/2023 and 12/19/2023.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO REAFFIRM CONDITIONAL APPROVAL, AS APPROVED ON 7/18/23, FOR THE MITNICK SUBDIVISION PLAN SUBJECT TO RESOLUTION OF ISSUES STATED IN THE GREAT VALLEY CONSULTANTS REVIEW LETTER DATED 6/30/23.

2023 – 09 WEISE SUBDIVISION – Approval for revised plan dated 1/11/2024

(Final Minor Plan) Owners: Bryan E. Weise & Heather C. Weise; Agent: John Hoffert Surveying, Inc.; Location: 878 Freemansville Rd.; Parcel ID# 39-530504617460; Plan No. D-23-87-1; Proposal Summary: Subdivide 1 lot into 2 lots (existing residue and Lot1). The revised plan changed the rear building setback line to 100 ft. instead of 50 ft. and added an associated note for Lot 1.

- 1) Memo from Planning Commission recommending revised plan approval, dated 2/08/2024

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO GRANT FINAL MINOR PLAN APPROVAL FOR REVISED WEISE SUBDIVISION PLAN DATED 1/11/2024 CONDITIONED ON PAYMENT OF ALL FEES AND OBTAINING SIGNATURES.

2023 – 13 IMPERIAL VIEW II SUBDIVISION-2023

EXPIRATION DATE 3/15/2024

(Preliminary/Final) Owner: William B. Whitman; Agent: John Hoffert Surveying, Inc.; Location: Imperial Dr.; Parcel ID# 39-530403219328; Plan No. D-23-95-01; Proposed Summary: Subdivide the parcel into 3 lots for single-family detached dwellings utilizing on-lot sewer and on-lot water facilities.

- 1) Memo from Planning Commission recommending waiver approval, dated 2/08/2024

Mr. Donnell requested that a waiver not be granted for Section 408 (A), not to perform an Environmental Impact Assessment. There was discussion that environmental issues could be addressed when building plans are submitted for the 3 lots.

ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, A MAJORITY VOTE TO APPROVE THE SALDO WAIVERS FOR THE IMPERIAL VIEW II-2023 SUBDIVISION PLAN AS STATED IN THE REVIEW LETTER FROM GVC, DATED 2/02/24, AND THE WAIVER REQUEST LETTER FROM JOHN W. HOFFERT P.L.S., DATED 2/05/24 AS FOLLOWS:

b. Relief from Section 406(A), not to perform a Community Facilities Impact Assessment;

c. Relief from Section 408(A), not to perform a Utility Impact Assessment;

d. Relief from Section 507(A), not to require curbing along Imperial Rd.;

e. Relief from Section 507(B), not to require sidewalks along Imperial Rd.;

MR. BATDORF ABSTAINED FROM THE VOTE.

2023 – 14 201 HUNTERS RD. ANNEXATION/FINAL SUBDIVISION – Waiver request approval and Plan Approval **EXPIRATION DATE 3/19/2024**

(Final Plan) Owner: Susan E. Morey; Agent: Bradford R. Grauel PLS, OTM, LLC; Location: 201 Hunters Rd.; Parcel ID# 39-439402580556; Project No. 23-086 dated 2/05/24; Proposed Summary: Subdivide the parcel into 2 lots. Lot 2 to be annexed to adjoining lands of Susan E. Morey, not to be considered a separate nor individual building lot and to be joined in common deed.

1) Memo from Planning Commission recommending waiver approval, dated 2/08/2024:

ON MOTION OF MR. DONNELL, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE TO APPROVE THE SALDO WAIVERS FOR THE 201 HUNTERS RD. ANNEXATION/SUBDIVISION PLAN AS STATED IN THE REVIEW LETTER FROM GVC, DATED 2/02/24, AND THE WAIVER REQUEST LETTER FROM BRADFORD R. GRAUEL P.L.S., AMENDED DATE 2/05/24 AS FOLLOWS:

- a. Relief from 403(D)(3) and 404(D) (3), to permit a location map scale of 1"=1100 ft. vs. 1"=800 ft.
- b. Relief from Section 405(A), not to perform an Environmental Impact Assessment;
- c. Relief from Section 406(A), not to perform a Community Facilities Impact Assessment;
- d. Relief from Section 408(A), not to perform a Utility Impact Assessment;
- e. Relief from Section 507(A), not to require curbing along Hunters Rd.;
- f. Relief from Section 507(B), not to require sidewalks along Hunters Rd.;

2) Memo from Planning Commission recommending Final Plan approval, dated 2/15/24.
ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO GRANT FINAL PLAN APPROVAL FOR THE 201 HUNTERS ROAD ANNEXATION/ FINAL MINOR SUBDIVISION PLAN CONDITIONED ON PAYMENT OF ALL FEES, OBTAINING SIGNATURES, COMPLIANCE WITH COMMENTS AS STATED IN THE GVC REVIEW LETTER DATED 2/02/24, FINAL REVIEW OF REVISED PLANS BY GVC, AND COMPLIANCE WITH THE COMMENTS AS STATED IN A REVIEW LETTER FROM THE TOWNSHIP SEO, JEFF WARMKESSEL DATED 2/09/24.

G.) LSA Grant Applications submitted by Recycle the World with Cumru Township as the Grantee

- 1) consider if the Township should proceed with grant applications by adopting resolutions for either or both; or
- 2) consider if the Township should withdraw either or both applications

Ms. Johnston explained that representatives for Recycle the World had appeared at the November 2023 Board of Commissioners meeting. The Board approved a letter of general support but no details were given for the necessary resolutions. No resolutions were drafted. The Township was contacted by the DCED on 2/16/24 with questions about the applications submitted by Recycle the World.

Joe D'Ascenzo explained that Recycle the World, a 501C3 nonprofit, owns the entire property. Refined Plastics is a tenant on 32 acres of the property. There will be 10-15 other tenants. There will be renewable energy and battery storage.

Mr. Donnell asked about the relationship between Recycle the World and Refined Plastics. He said that the DCED representative was skeptical about Recycle the World being wholly nonprofit. He has done some research about Recycle the World and could not find much information. Mr. Donnell asked if Recycle the World was a pass through entity.

Mr. D'Ascenzo said that he was the president of both Recycle the World and Refined Plastics.

Ms. Johnston inquired about the 164 acres that was posted for sale. Mr. D'Ascenzo presented a letter stating that the property was not for sale.

Mr. Greg Miller asked if the Township would be liable for the grant. Ms. Johnston answered yes and the Township would have to prove that Recycle the World was technically a 501C3. Ms. Johnston informed the Board that the Township does not have a land development plan. One of the grants is for equipment but there was a question about storing the equipment without a building.

Jenna Early stated that she had talked to the DCED Supervisor. She said that Berks County has a land development plan.

There was additional discussion with Mr. Donnell reading excerpts from his tablet. Mr. Greg Miller suggested that this matter should be tabled due to the lack of information. Ms. Johnston recommended a conference call with DCED that could include representatives from Township administration, Recycle the World and DCED.

Mr. Emery asked if the recycling process involved incineration. Mr. D'Ascenzo replied no.

Public Works

A.) Winter Storms

Mr. McNichols gave an update on the recent storms. Tuesday 2/13/24 had approximately 5 inches of snow and the snow from Saturday 2/17/24 was cleaned up easily.

B.) Montrose Blvd. Stormwater Project – award bid

1) bid tabulation (**bold** = apparent low bid)

BIDDER	AMOUNT
BARRASSO	\$376,785.00
CONSTRUCTION MASTERS SERVICES	\$368,228.50
DOLI CONSTRUCTION	\$461,243.00
G&B CONSTRUCTION	\$317,468.00
H&K GROUP	\$402,675.60
IRON EAGLE EXCAVATING	\$378,828.00
J. PHILLIPS EXCAVATING	\$313,734.78
JURICH INC.	\$388,082.00
KINSLEY CONSTRUCTION	\$394,470.00
LAWRENCE SITE	\$495,058.70
MDX SITE (MASON DIXON)	\$295,366.00
N. ABBONIZIO	\$369,907.00
R III CONSTRUCTION	\$405,520.00
SCHLOUCH INC	\$443,190.00

C.) Sanitary Sewer Replacement Projects 2024 – award bids

1) Cedar Top Road – award bid

A) bid tabulation (**bold** = apparent low bid)

BIDDER	AMOUNT
BARRASSO	\$1,923,304.00
CONSTRUCTION MASTERS SERVICES	\$2,168,487.80
DOLI CONSTRUCTION	\$1,659,487.00
IRON EAGLE EXCAVATING	\$1,545,538.00
JURICH INC.	\$1,900,846.00
MDX SITE (MASON DIXON)	\$1,783,133.00
N. ABBONIZIO	\$1,668,349.00
PACT ONE, LLC	\$1,739,260.00
R III CONSTRUCTION	\$1,559,870.00
WEXCON	\$2,093,039.00

2) Flying Hills Dr. – award bid

a.) bid tabulation (**bold** = apparent low bid)

BIDDER	AMOUNT
BARRASSO	\$123,534.00
CONSTRUCTION MASTERS SERVICES	\$148,887.80
DEPAUL AND CO, INC.	\$151,472.00
EAGLE CONTRACTING	\$146,877.00
G&B CONSTRUCTION	\$136,380.00
IRON EAGLE EXCAVATING	\$141,836.00
J. PHILLIPS EXCAVATING	\$118,168.89
JOSEPH J. DANIELLE, LLC	\$180,158.90
JURICH INC.	\$127,050.00
KINSLEY CONSTRUCTION	\$112,580.00
MDX SITE (MASON DIXON)	\$149,991.00
N. ABBONIZIO	\$148,846.00

The engineers confirmed the applications and recommended awarding the contracts to the low bids for all the projects. Ms. Johnston reported that all the awarded bids were under the projected amounts.

Mr. Greg Miller asked how to make sure that all the contractors are bidding on the same thing. Mr. McNichols replied that the applications are based on the same bid specifications for each project.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ACCEPT THE LOW BIDS FOR ALL THREE PROJECTS: MONTROSE BLVD. STORMWATER PROJECT- MDX SITE (MASON DIXON) FOR \$295,366.00; CEDAR TOP RD. SANITARY SEWER REPLACEMENT PROJECT - IRON EAGLE EXCAVATING FOR \$1,545,538.00; AND FLYING HILLS DR. SANITARY SEWER REPLACEMENT PROJECT - KINSLEY CONSTRUCTION FOR \$112,580.00.

D.) Flying Hills Obstructions in the Rights of Way – update

Mr. McNichols asked where we are at with this. Mr. Greg Miller said that he is waiting for a response from the Flying Hills management.

Mr. Donnell asked what the next step was. Mr. McNichols recommended removing the obstructions once and for all. He said that it is a liability issue and that the concrete markers are not protecting anyone since they are far apart. Mr. Donnell agreed with removing them. Mr. McNichols stated that the Township could remove them, but that incurs cost to the Township. Atty. Frankowski recommended sending a letter with a deadline. Mr. Greg Miller agreed with the letter. Mr. Donnell suggested a letter with a 10 day deadline for removal. The Board agreed.

Engineer

A.) Old Lancaster Pike re: PennDOT repair 2024

Mr. Rogosky was congratulated for getting PennDOT to agree to repair their own part of Old Lancaster Pike. He reported that there was settlement in the road. PennDOT will mill and overlay in the spring.

Solicitor

A.) Comcast Cable Franchise Agreement Renewal – update

Atty. Frankowski stated that Comcast has been slow to respond.

B) Teamsters Collective Bargaining Agreement – ratify corrected agreement

Atty. Frankowski explained that the health plan was changed, which resulted in some language corrections. She requested that the Board ratify the corrected agreement.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO RATIFY THE CORRECTED TEAMSTERS COLLECTIVE BARGAINING AGREEMENT.

C.) Zoning Ordinance Amendment – update

- 1) consider additional item re: uses related to houses of worship
- 2) consider advertisement of hearing date

Atty. Frankowski explained that a recent ZHB decision denied a retreat use and the applicant took the ZHB to court. The ZHB concern was lack of public water for the required sprinkler system. She recommended that the Board consider eliminating the words retreat center or redefine the definition of places of worship. The current wording opens the door for potential residential use. Even with a redefinition in the ordinance, enforcement would be a problem.

Ms. Johnston said an important matter of consideration is fire safety for a facility with 20+ sleeping units and a commercial-grade kitchen. Chief Beane said another issue is non-taxable status vs potential profit making. Scope of operation becomes a concern because these properties take away from the tax base but still require services paid by the taxpayers.

Ben Fisher, a resident of Holly Lane, said that the Township should stay out of the house of worship. Mr. Donnell agreed that he does not want to deny churches but he is concerned with the commercial aspect.

Atty. Frankowski will send options to the Board for consideration.

D.) Tax Collector Compensation and Certification Fee Ordinance – update

- 1) draft and advertisement authorized 1/30/2024
- 2) text of draft ordinance

Atty. Frankowski explained that the blanks in the draft agreement are for the charges. It was discussed that the Tax Collector charges be \$30 for a tax certification and \$5 for a duplicate tax bill. The Township charges could be \$20 for a sewer certification, \$20 for a refuse certification and \$20 for a lien certification.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE ADVERTISEMENT FOR THE TAX COLLECTOR COMPENSATION AND COLLECTION FEE ORDINANCE.

PAYMENTS OF BILLS

ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 1/19/24, 1/26/24, 2/02/24, 2/02/24 – PLGIT, 2/09/24, AND 2/16/24.

CORRESPONDENCE

- A.) Notification from Recycle the World re: Multi-modal grant application, dated 1/24/24
- B.) Letter to Giuseppe and Nicolina Farina from Mohnton Borough Solicitor re: property is in Cumru Township, dated 2/9/2024
- C.) PA Broadband Development Authority comment period on guidelines ends 3/1/2024
- D.) Letter from H&K Group re: air quality permit renewal application for South Reading Asphalt Plant, dated 2/6/2024

COMMISSIONERS

A.) Budget Meeting Dates – Commissioner W. Miller

- 1) consider schedule for budget meetings

Mr. William Miller asked about scheduling budget meetings for October. He said that the Board usually held 3 meetings on Thursdays in October. Mr. Greg Miller suggested Thursdays after 6 p.m. but avoiding Halloween. The Board agreed on Thursdays, October 10, 17, and 24, 2024, at 6:00 p.m.

B) Liaison for TowerDirect EMS – Commissioner W. Miller

- 1) consider appointment of Sam Kalbach as ambulance service liaison

Mr. William Miller recommended appointing Sam Kalbach as the liaison to TowerDirect because he did a good job for the past 4 years. This is a “go between” communication position for Cumru Township and TowerDirect. Mr. Greg Miller said it is not a Sam issue, it is an optics issue. Mr. Donnell voiced his concern about the accountability of a private citizen, but acknowledged that it sounds like Sam is the most qualified person.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A MAJORITY VOTE TO APPOINT SAM KALBACH AS THE CUMRU TOWNSHIP LIAISON TO TOWERDIRECT EMS SERVICE. MR. GREG MILLER VOTED NO. MR. WILLIAM MILLER, MS. ROWE, MR. BATDORF AND MR. DONNELL VOTED YES.

C.) "Responsible Contractor" Ordinance – Commissioner G. Miller

1) discussed on 1/16/2024

2) consider authorizing draft and advertisement of ordinance

Mr. Greg Miller explained that the "Responsible Contractor" Ordinance is for municipal building projects over \$250,000. He introduced Bill Dorward.

Bill Dorward addressed the Board to continue the discussion from the January meeting. He said that anyone could apply to the apprenticeship program. Education is the most important part of the apprenticeship program. All trades have to be licensed. It is about safety and the quality of work. He questioned the quality of pre-fab/ off-site builds.

Ms. Johnston reported that she had done some research and had liked the language in the West Goshen Ordinance. She said that this is essentially a checklist for contractors and subcontractors. She was concerned about pushing out the smaller contractors.

Mr. Batdorf asked why do this now.

Ms. Rowe showed concern for the local businesses. What about the family businesses that train on the job? Her brother-in-law has an HVAC business. Why should he be forced to do this? She doesn't like the regulations. She asked about military apprentices. Mr. Dorward replied that the Helmets to Work program gives credit to people in the military.

Mr. William Miller stated that the only building for the Township at this time is the Fire Station. The low bidders have all done quality work for the Township before.

ON MOTION OF MR. GREG MILLER, SECOND OF MR. DONNELL, A MAJORITY VOTE TO DRAFT AND ADVERTISE A RESPONSIBLE CONTRACTOR ORDINANCE. MR. WILLIAM MILLER AND MS. ROWE VOTED NO. MR. GREG MILLER, MR. BATDORF, AND MR. DONNELL VOTED YES.

D.) Planning Commission – accept resignation of Tom Klahr

ON MOTION OF MS. ROWE, SECOND OF MR. DONNELL, A MAJORITY VOTE TO ACCEPT THE RESIGNATION WITH REGRETS OF TOM KLAHR FROM THE PLANNING COMMISSION. MR. WILLIAM MILLER, MR. GREG MILLER, MS. ROWE, AND MR. DONNELL VOTED YES. MR. BATDORF WAS NOT PRESENT FOR THE VOTE.

E.) Code of Ordinances – update – Commissioner Donnell

Ms. Johnston reported that the Township had been partially in the process with General Codes (ECodes) when the process was stopped. She doesn't have the actual cost yet. The process takes several months to complete.

F.) Proposed Ordinance on Meetings – Commissioner Donnell

1) propose meeting documents on website

2) proposed deadlines for meeting materials

- Monday and Tuesday meetings – Friday prior
- Wednesday, Thursday, Friday meetings – Monday prior
- 3) adopted minutes posted by one week following approval

Ms. Johnston asked about the scope of what to include on the website. As an example, she explained that most of the planning files are too large. Mr. Greg Miller suggested that Mr. Donnell work with Ms. Johnston to iron stuff out.

G.) Executive Session

- 1) 411 Mountain View Road – potential property acquisition
- 2) 1592 Wyomissing Road – potential property acquisition
- 3) Poplar Neck Rd. – potential sale of Township property
- 4) Guerrero Land Use Appeal – potential settlement
- 5) personnel matter – police collective bargaining agreement

10:21 p.m. – The Board met in executive session to discuss 411 Mountain View Rd., 1592 Wyomissing Rd, and Poplar Neck Rd. – potential property acquisition; Guerrero Land Use Appeal- litigation; and Police collective bargaining agreement- personnel matter.

11:19 p.m. – The executive session ended. The Board had discussed 411 Mountain View Rd., 1592 Wyomissing Rd, and Poplar Neck Rd. – potential property acquisition; Guerrero Land Use Appeal- litigation; and Police collective bargaining agreement- personnel matter.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING THE SOLICITOR TO SEND A LETTER TO 411 MOUNTAIN VIEW RD. REQUESTING PERMISSION TO ALLOW AN APPRAISAL OF THE PROPERTY.

H.) Reminders:

- 1) Zoning Hearing Board – *February Meeting Canceled – no applications*
- 2) Board of Commissioners meetings for March and April 2024
 - 3/19/2024 at 7:00 p.m. – Regular meeting
 - 4/16/2024 at 7:00 p.m. – Regular Meeting
 - 4/30/2024 at 7:00 p.m. – 5th Tuesday Meeting
- 3) Planning Commission 3/04/2024 at 6:00 p.m.

ADJOURNMENT

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 11:23 P.M.

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary