

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING FEBRUARY 21, 2023**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President Ruth A. O’Leary at 7:00 p.m. Other Commissioners in attendance were Vice President David J. Batdorf, Sam Kalbach William B. Miller and Lisha Rowe. Also attending were Solicitor Michael A. Setley, 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, Special Projects/Asst. Secretary Patricia A. Wylezik-Pfeiffer, and Joseph P. Rogosky of Great Valley Consultants. Business/Personnel Administrator Peggy A. Carpenter was absent with prior notification.

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.

PUBLIC

Attendance: PA State Representative Dave Zimmerman, Anthony L. Martin, Jeremy Haymaker, Jon Kramer, Sue McCoy, Dave McCoy, Natasha Donaldson and Ben Fisher.

A) PA State Representative Dave Zimmerman

Rep. Zimmerman addressed the Board of Commissioners. He stated that he previously had a career in agriculture and had been a Township Supervisor in Lancaster County. Although he has been a State Representative for 9 years, his district shifted due to the 2020 census to include Berks County effective in January of 2023. He has moved his office to Adamstown. State Representative Zimmerman encouraged the Township to apply for any grants that are available. He informed everyone that his office is prepared to help so don’t be afraid to ask.

Ms. Johnston thanked State Representative Zimmerman for writing a letter of support for the Township for a recent grant opportunity.

B.) Mifflin Community Library

Natasha Donaldson introduced herself as the Director of the Mifflin Community Library since 2019. She wanted everyone to know about the opportunities offered by the Library. They have public computers, story times, reading programs for all ages, and various craft kits. She informed everyone that Officer Oliver would be attending a story time soon. She thanked the Board for its continued support.

AMBULANCE SERVICE

A.) Monthly Report – January 2023

Anthony Martin reported that TowerDirect responded to 216 calls in January with an average response time of 6.29 minutes. He invited everyone to check out the new website which includes contact numbers and membership information. Mr. Martin said that staffing is going well. TowerDirect moved service into Birdsboro. Service will begin in Union Township in March and Amity Township is expected to follow. Reading Hospital Foundation has approved a capital campaign and the money raised will be used to improve the ambulance fleet.

APPROVE MINUTES

ON MOTION OF MR. MILLER, SECOND OF MR. KALBACH, A UNANIMOUS VOTE APPROVING THE MINUTES OF 1/17/23 – REGULAR MEETING AND 1/31/23 – 5TH TUESDAY MEETING AS SUBMITTED.

TREASURER

A.) Monthly Report – January 2023

Ms. Johnston said that Mrs. Carpenter wanted her to convey that the next two weeks would be very busy. She reported that the sanitary sewer delinquency letters were being sent. Letters for 1st time delinquency were mailed on February 17, 2023, and letters for repeat delinquency should be mailed this week.

The on-lot sewer (SMP) and refuse bills will be generated in-house and sent via postcards instead of being included on the tax bills. Discounts and penalties will still apply. Please read the postcards when they arrive.

TAX COLLECTOR

A) January 2023 Report

1) Year 2022 Real Estate

Balance collectable beginning of month – \$79,264.61

Cash collected – \$0

Balance collectable end of month – \$0

2) Year 2022 Interim Real Estate

Balance collectable beginning of month – \$1,348.27

Additions: \$16,930.40

Cash collected – \$14,072.18

Balance collectable end of month - \$2,858.22

3) Year 2021 Interim Real Estate

Balance collectable beginning of month – \$693.34

Additions: \$140.16

Cash collected – 0

Balance collectable end of month - \$140.16

- 4) Year 2022 Refuse
 - Balance collectable beginning of month - \$16,770.00
 - Cash collected - \$0
 - Balance collectable end of the month - \$0
- 5) Year 2022 SMP
 - Balance collectable beginning of month - \$780.00
 - Cash collected - \$0
 - Balance collectable end of the month - \$0
- 6) Year 2022 Per Capita
 - Balance collectable beginning of month - \$7,840.00
 - Cash collected - \$225.00
 - Balance collectable end of the month - \$0

B.) 2022 Refuse – Delinquent

- 1) \$16,770.00 sent to collections

C.) 2022 Per Capita – Delinquent

- 1) \$7,610.00 sent to tax claims, uncollected for 1522 bills

D.) 2022 Sewage Management Program (SMP) – Delinquent

- 1) \$780.00 sent to collections

E.) 2022 Township Real Estate – Delinquent

- 1) \$79,264.61 sent to tax claims, uncollected for 96 bills

F.) Interim Real Estate Year 2021 – Delinquent

- 1) \$693.34 sent to tax claims, uncollected for 2 bills

G.) Interim real Estate Year 2022 – Delinquent

- 1) \$1,348.27 sent to tax claims, uncollected for 5 bills

CONSENT AGENDA

2023 – 01 KRAMER SUBDIVISION -CEDAR TOP RD.

EXPIRATION DATE – 5/07/2023

(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.

a) Final Minor Subdivision Plans from John W. Hoffert P.L.S., dated 01/12/23

b) GVC Review Letter, dated 02/02/23

c) Waiver Request Letter from John W. Hoffert P.L.S., dated 02/06/23

ACTION:

APPROVED THE SALDO WAIVERS FOR THE KRAMER- CEDAR TOP RD. SUBDIVISION PLAN AS STATED IN THE REVIEW LETTER FROM GVC, DATED 2/02/23, AND THE WAIVER REQUEST LETTER FROM JOHN W. HOFFERT P.L.S., DATED 2/06/23 AS FOLLOWS;

- a) Relief from Section 405(A), not to perform an Environmental Impact Assessment;**
- 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;**
- e) Relief from Section 507(B), not to require sidewalks.**

2021-10 J & A APARTMENTS – reject plan

- 1) Zoning Hearing Board denied relief request.

ACTION:

REJECTED THE PROPOSED J&A APARTMENT PLAN BASED ON FAILURE TO REMEDY ZONING DEFICIENCIES IN GVC REVIEW LETTER, DATED 2/3/22 AND FAILURE TO OBTAIN ZONING RELIEF FROM THE ZONING HEARING BOARD FOR THOSE DEFICIENCIES.

2023-03 MASANO LINCOLN DEALERSHIP

At the southeast corner of Lancaster and Summit Aves. (former Hardee's building)

- 1) Request waiver of land development to build a new showroom in the same location of an existing building.
- 2) Site drawings

ACTION:

GRANTED WAIVER OF LAND DEVELOPMENT TO MASANO LINCOLN DEALERSHIP TO BUILD A NEW SHOWROOM IN THE SAME LOCATION OF AN EXISTING BUILDING CONDITIONED ON SUBMITTING AN UPDATED STORMWATER TO THE TOWNSHIP ENGINEER FOR REVIEW.

2023-02 MANOWCZAK/NATURAL LANDS SUBDIVISION

East side of Ridgeway Road; proposed extension of William Penn State Forest.

- 1) Request waiver of land development to convey a 30-acre lot to Natural Lands Trust
- 2) Request to defer reviews to Robeson Township
- 3) Preliminary/Final Plan Drawing, dated 02/01/23

ACTION:

GRANTED WAIVER OF LAND DEVELOPMENT AND SUBDIVISION PLANNING REQUIREMENTS, AS WELL AS DEFER ANY REVIEWS TO ROBESON TOWNSHIP FOR THE MANOWCZAK/NATURAL LANDS SUBDIVISION PLAN.

END OF CONSENT AGENDA

ON MOTION OF MR. KALBACH, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO APPROVE THE ACTIONS AS STATED IN THE CONSENT AGENDA.

DEPARTMENTS

Police Department

A.) Monthly Report – January 2023

Chief Winchester reported that 2 routine traffic stops resulted in illegal gun seizures. The Police Department is still working on the Dunkin Donut robberies. K-9 Officer Ollie completed his training and has hit the ground running. He has been requested on several calls. Mr. Kalbach explained to the public that Officer Ollie is the Township's Therapy Dog. Chief Winchester also reported that Cumru officers responded to a call about a shooting at a residence on Pershing Blvd. The victim had been shot in Pottstown a week ago. The Cumru Police Department referred the case to the Pottstown PD.

B.) Museum Rd. "No Parking"

Ms. Johnston reminded the Board that last year the owner of Penske Auto Dealership complained about tractor trailers parking along Museum Rd. and restricting the view for employees trying to exit the dealership. The problem has continued. She requested that the Board consider passing a "No Parking" Ordinance for this section of Museum Rd. to enable the police to enforce the no parking.

ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO AUTHORIZE THE SOLICITOR TO DRAFT AND ADVERTISE A "NO PARKING" ORDINANCE FOR THE CUMRU TOWNSHIP SECTION OF MUSEUM ROAD.

Fire Department

A.) Monthly Report – January 2023

B.) Fire Station Phase 1 – application for payment # 15

- 1) Letter from Atlas Engineering recommending payment # 15 for Ankiewicz Enterprises, Inc. for \$150,068.65, dated 2/16/2023.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING PAYMENT #15 TO ANKIEWICZ ENTERPRISES, INC. IN THE AMOUNT OF \$150,068.65 FOR THE FIRE STATION PHASE 1 PROJECT.

C.) Fire Station Phase 2

- 1) NPDES Permit Amendment – update

Chief Beane reported that the Township received a review letter that contained 47 deficiencies. Atlas Engineering has replaced First Capital Engineering on this project. Jeff Skinner of Atlas met with Thomas Forsythe from Berks County Conservation District (BCCD) to address the issues. An extension of time was granted to comply with the deficiencies.

- 2) Met Ed Permit – update

There was a meeting with Met-Ed at the site today. The project will be divided with the poles being replaced soon and the service being done later.

D.) Donation for New Fire Station from Waste Management

Chief Beane stated that Waste Management donated \$52,000.00 to be used for cleaning and drying machines for the fire fighters' turnout gear. They dropped off the real check last week and

had a photo opportunity today with a life-size check in front of the fire trucks with the construction site in the background.

The Board of Commissioners thanked Waste Management for their generous donation.

Administration

A.) Codes Department – January 2023

Building Permits Issued- 12

Use Permits Issued - 2

Zoning Permits Issued- 5

Notices of Violations- 13

Citations issued- 0

Court Hearings – 1 (543 Church Rd. – in favor of defendant)

Violations complied- 18

Phone calls from contractors, realtors & public approximately- 168

Properties condemned – 0

Permit Inspections Done – 30

Inspections with the Fire Department – Ocean State Job Lot

Training Seminars attended – 0

Ms. Johnston explained the court hearing under the Codes report. It was recommended that the Township not appeal the decision due to the cost and lack of recent complaints.

B.) Western Berks Landfill – update

Ms. Johnston reported that the landfill will be at capacity in October of 2023. A small expansion is being pursued, but it could take approximately 3 years to obtain an expansion permit. The Township might have to move the yard waste site. Waste Management would like to expand further, but Met-Ed's cooperation is needed and is uncertain at this time.

C.) Growing Greener Grant for 678 Church Rd. – update

Ms. Johnston informed the Board that the owner refused to agree to the scope of work proposed for the full grant amount. The owner is only agreeable to the stream restoration part of the grant. Nick Johnson of Johnson Environmental Engineering contacted DEP to confirm that the Township was eligible to receive partial reimbursement of the grant award money.

D.) TASA Grant – update

There are \$1 million to \$1.5 million in available funds. The project being considered is flood mitigation for the Museum Rd. and SR724 intersection. The area is located in the parking area for Penske behind the Walgreens. Phase I of the project will be under parking lot stormwater retention and a retention basin. Mr. Kalbach stated that Geoff Penske has been very receptive to the project.

E.) Angelica Creek Trail – update

1) proposed DCNR Grant Agreement

Ms. Johnston explained the proposed extension of the Angelica Creek Trail would be along the Cumru Township sewer easement behind the Kenhorst Shopping Plaza and behind the Governor Mifflin School Complex.

Jeremy Haymaker from Berks Nature said they were applying for a DCNR grant and that it would be helpful to have the agreements from all the land and easement owners in place.

Ms. Johnston asked about a plan for trash along the trail. Mr. Haymaker said there were pros and cons to having trash cans as they become a magnet for dumping. Ms. Johnston did not recommend having trash cans.

Mr. Batdorf asked who was responsible for damages to neighboring properties. It was suggested that neighbors should call the police to make a report.

Ms. Johnston stated that the Township would have the right to close down the trail for sewer maintenance as needed. Mr. Haymaker agreed.

ON MOTION OF MR. MILLER, SECOND OF MR. KALBACH, A MAJORITY VOTE TO AUTHORIZE SIGNING THE TRAIL EASEMENT AS PRESENTED BY BERKS NATURE AFTER REVIEW BY THE SOLICITOR. MR. MILLER, MR. KALBACH, AND MRS. O'LEARY CAST YES VOTES. MR. BATDORF AND MS. ROWE CAST NO VOTES.

F.) Pennsylvania Housing Finance Agency (PAHAF) Program

Ms. Johnston explained that the Township has already approved the Low Income Household Water Assistance Program (LIHWAP). PAHAF is a similar program to assist residents. The program requires paperwork to be filled out by the Township.

Mrs. O'Leary inquired if the Township would only get the money owed to the Township and not be an intermediary for people's mortgage payments. Ms. Johnston confirmed that the Township would only be responsible for money that was owed to the Township.

ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ALLOW ADMINISTRATION TO FILL OUT PAPERWORK AS NEEDED TO PARTICIPATE IN THE PENNSYLVANIA HOUSING FINANCE AGENCY (PAHAF) PROGRAM.

G.) Fee Schedules

Ms. Johnston explained the need to increase the building/zoning permit fees due to increased costs. She also informed the Board that the current stormwater fees for residential properties is insufficient to cover many of the reviews which results in having to bill for the overages. Ms. Johnston recommended raising the stormwater plan review fee for residential lots from \$500 to \$1000. The Stormwater Maintenance Fund fee would remain the decision of the engineer, pursuant to his review.

ON MOTION OF MR. BATDORF, SECOND OF MR. KALBACH, A UNANIMOUS VOTE TO ADOPT THE REVISED BUILDING/ZONING PERMIT FEES AS SUBMITTED AND INCREASE THE RESIDENTIAL STORMWATER PLAN REVIEW FEE TO \$1000.00.

Public Works

A.) Kramer – Cedar Top Rd. Subdivision re: Public Sanitary Sewer Connection

- 1) Letter from John W. Hoffert P.L.S., dated 2/6/23, re: request for waiver from requirement to connect to public sanitary sewer for the existing home until septic system failure

- 2) Sewer Review by Atlas Engineering, dated 2/08/23
- 3) Memo from Planning Commission Secretary, dated 2/10/23

Mr. McNichols explained the Township Ordinance to require an existing dwelling where the building was within 300 ft. of the sewer main to connect to the public sanitary sewer system.

Mr. Jon Kramer addressed the Board concerning his proposed subdivision for the property on Cedar Top Rd. He challenged that the distance for his connection is over 300 ft. because of the location where the septic system connects to the house and that connecting to the public sanitary sewer would be problematic. He believes that there are mitigating circumstances to this rule. He presented photos of his property to the Board.

There was discussion among the Board. Ms. Johnston stated that an engineer and not the Board of Commissioners would be designing the system for the homeowner. She confirmed that the public sanitary sewer was extended near that area, in Steever's Court, in 2005 and this property was not included in that project. Mr. Setley acknowledged that there had been a period of time before the other properties were connected.

Ms. Johnston informed the Board that there had been conflicting recommendations. The Planning Commission recommended the waiver, but the Public Works Liaisons recommended not granting the waiver. Maybe there could be a compromise. She stated that the moratorium for sewer point of connection #8, which services this area, is projected to be lifted in October of 2023. This home and the new home would not be able to connect to the public sanitary sewer until after the moratorium is lifted.

ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO GRANT A TEMPORARY WAIVER FOR CONNECTION TO PUBLIC SANITARY SEWER TO 1166 CEDAR TOP RD., PART OF THE KRAMER-CEDAR TOP RD. SUBDIVISION, WITH THE UNDERSTANDING THAT THE EXISTING HOME WILL CONNECT AT THE SAME TIME THAT THE HOME CONSTRUCTED ON THE NEW PARCEL CONNECTS TO PUBLIC SANITARY SEWER.

B.) Grass Mowing Contract – authorize bids

- 1) draft specifications

ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE BIDS FOR THE GRASS MOWING CONTRACT.

C.) Sewer position

Mr. McNichols reported to the Board that a long term employee would be retiring from the sewer department. He requested that the Township advertise for the sewer position.

ON MOTION OF MR. KALBACH, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADVERTISE THE SEWER POSITION.

D.) Municibid Auction – update

- 1) auction period 2/17/2023-3/6/2023
- 2) proof of publication of advertisement

Mr. McNichols gave a road salt update. 216 tons still needs to be purchased to fulfill the COSTARS contract for this year. Public Works is prepared to handle any storage issues that might arise.

Engineer

A.) Traffic Signals

- 1) SR 10 and SR 724 retiming – update
- 2) SR 10 and Freemansville Rd – update
- 3) SR 724 School Warning Devices and Signage – update

ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE MANAGER TO EXECUTE CONDITION DIAGRAMS FOR TRAFFIC SIGNALS.

B.) SR724 Crosswalk at Governor Dr.

Mr. Rogosky has prepared a proposed crosswalk and signage plan which includes thermoplastic paving markings. Shillington Borough has agreed to split the costs. A crosswalk across Marshall Dr. will also be established.

C.) PIB Loan – update

Ms. Johnston stated that the concern is that if the Liquid Fuels Fund doesn't cover the PIB loan payments, the money would need to come from the General Fund.

Mrs. O'Leary asked if the loan payments would be automatically deducted from the Liquid Fuel disbursements. Mr. Setley stated that he believed that the Township would have to make the payments on its own.

There was discussion about what was needed to finish the PIB loan application. Mr. Rogosky and Ms. Johnston will work together to complete the process.

ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE MR. ROGOSKY AND MS. JOHNSTON TO COMPLETE THE APPLICATION FOR THE PIB LOAN.

Solicitor

A.) Zoning Ordinance Amendment – discuss hearing date

Mr. Setley explained the steps needed to amend the zoning ordinance. The Board agreed to schedule the hearing for May 17, 2023.

PAYMENTS OF BILLS

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE PAYMENT OF BILLS DATED 1/20/23, 1/27/23, 2/01/23 - PLGIT, 2/01/23, 2/03/23, 2/10/23, AND 2/17/23.

CORRESPONDENCE

A.) Letter from Spring Township re: grant application for the development of a Master Site Plan for Kline's Creek Park., dated 1/28/23

COMMISSIONERS

A.) Executive Session

8:40 p.m. – The Board met in executive session to discuss 1 personnel matter.

8:56 p.m. – The executive session ended. Mr. Setley stated that the Board had discussed 1 personnel matter that would be handled internally by Administration.

B.) Reminders:

1) Zoning Hearing Board

- February 22, 2023, at 6:00 p.m. at the Gov. Mifflin Intermediate School Cafeteria – zoning map appeal
- February 28, 2023, at 6:00 p.m. at the Township Building
- March 13, 2023, at 6:00 p.m. at the Gov. Mifflin Intermediate School Cafeteria – zoning map appeal (*tentative*)

2) Board of Commissioners meetings for March and April 2023

- 3/21/2023 at 7:00 p.m. – Regular meeting
- 4/18/2023 at 7:00 p.m. – Regular Meeting

3) Board of Commissioners meetings for October 2023

The Board scheduled budget meetings for October 19, October 26, and November 2, all to start at 3:30 p.m. Mrs. O'Leary reminded everyone that the budget meetings are open to the public.

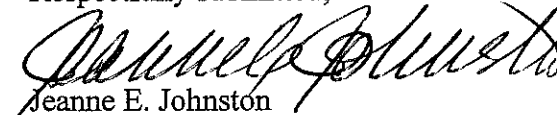
4) Planning Commission 3/06/2023 – canceled

Mr. Miller, on behalf of the Board, wanted to express condolences to Sharon Weidman, Administrative Foreman, on the death of her mother.

ADJOURNMENT

ON MOTION OF MR. BATDORF, SECOND OF MR. MILLER A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 8:57 P.M.

Respectfully submitted,


Jeanne E. Johnston
Manager/Secretary