

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING                      APRIL 20, 2021**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President William B. Miller at 7:03 p.m. Other Commissioners in attendance were Vice President Ruth A. O’Leary, David J. Batdorf, Chip Bilger, and Sam Kalbach. Also attending were Solicitor Michael A. Setley, Chief of Police Madison Winchester, Superintendent of Public Works Robert McNichols, Jr., Business/Personnel Administrator Peggy A. Carpenter, Manager Jeanne E. Johnston, Joseph P. Rogosky of Great Valley Consultants, and Jeff Skinner of BCM Engineers.

This meeting is being recorded for the purpose of assisting in the preparation of meeting minutes. The audio file of the meeting will be destroyed after official meeting minutes for this meeting have been adopted.

Pledge to the Flag.

**PUBLIC**

- A) Darwin Salazar re: “No Winter Maintenance” for S. 9<sup>th</sup> St. – *not present*  
1) Letter from Manager re: posting, dated 3/24/2021

- B) William Haase of Certus Financial and Scott Miller of Stackhouse Bensinger, Inc.  
re: tapping fee for Heritage of Green Hills Building 1.4

- 1) Letters from Certus Financial, dated 4/7 and 4/20/2021

Mr. Haase attended by ZOOM. Scott Miller was present for discussion.

Mr. Haase objected to the method by which the sewer connection permit fee is to be calculated for the fourth residential building at Heritage of Green Hills. He stated that the fourth building is to replace the existing Green Hills Manor care facility. He believes that treating the new building as an apartment building is incorrect, that it should be treated as a healthcare facility.

Mr. Setley suggested comparing it to Mifflin Healthcare. He asked if it is an institutional use or an apartment building? Is it single units or beds?

Mr. Haase stated it is single units, but that is what is in Green Hills Manor.

Ms. Johnston stated that the Township took the developer at its word. The new building was promulgated as an apartment building. Mr. Skinner stated that documentation used the word “apartments.”

Mr. Haase responded that the description was just for marketing.

The Board indicated that the staff should look at the building permit and other documentation and provide an opinion.

**TOWER DIRECT EMS**

- A) Monthly Report – March 2021

Chief Fred Wurster reported that the contracted response time was not met by 2 seconds. An increase in calls and the current run card configuration led to increased use of the Gibraltar unit. A 3<sup>rd</sup> paramedic truck was added a the Cumru station.

**TREASURER**

A) Monthly Report – March 2021

**TAX COLLECTOR**

A) March 2021 Report

1) Year 2021 Real Estate

Balance collectable beginning of month - \$5,745,262.70

Cash collected - \$1,140,527.83

Balance collectable end of the month - \$4,581,458.62

2) Year 2021 SMP

Balance collectable beginning of month - \$69,640.00

Cash collected - \$14,077.70

Balance collectable end of the month - \$55,275.00

3) Year 2021 Refuse

Balance collectable beginning of month - \$1,134,298.00

Cash collected - \$220,580.36

Balance collectable end of the month - \$104.00

4) Year 2020 Per Capita

Balance collectable beginning of month - \$920.00

Cash collected - \$77.00

Balance collectable end of the month - \$825.00

**MINUTES**

**ON MOTION OF MR. KALBACH, SECOND OF MRS. O'LEARY, A UNANIMOUS VOTE APPROVING THE MINUTES OF 3/30/2021.**

**CONSENT AGENDA**

**Matz Tract OLP – phase 2 – escrow release 1**

- 1) Letter from Great Valley Consultants re: recommendation for release, dated 4/20/2021

**ACTION:**

**AUTHORIZED ESCROW RELEASE NO. 1 FOR THE MATZ TRACT OLP – PHASE 2 SUBDIVISION PLAN IN AN AMOUNT NOT TO EXCEED, \$6,716.65.**

**Matz Tract OLP – phase 3 – escrow release 2**

- 1) Letter from Great Valley Consultants re: recommendation for release, dated 4/20/2021

**ACTION:**

**AUTHORIZED ESCROW RELEASE NO. 2 FOR THE MATZ TRACT OLP – PHASE 3 SUBDIVISION PLAN IN AN AMOUNT NOT TO EXCEED, \$8,331.72, SUBJECT TO PAYMENT OF INVOICES.**

**Reaffirm Land Development Plans**

**ACTION:**

**REAFFIRMED LAND DEVELOPMENT PLANS, AS FOLLOWS:**

- Rahn's Truck Shop
- East Pointe Lot 8 (Service Caster)
- Heritage of Green Hills Building 1.4

1) Letter from Berks County Planning Commission re: plan review, dated 4/7/2021

**2020-2021 Sewer Replacement Project – application for payment no. 3**

1) Letter from BCM Engineers re: recommendation for payment, dated 3/31/2021

**ACTION:**

**APPROVED APPLICATION FOR PAYMENT NO. 3 FOR THE HIGH BLVD SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$186,343.20.**

**Brecon Lane Storm and Sanitary Sewer Replacement – application for payment 6 (final)**

1) Letter from Great Valley Consultants e: recommendation for payment, dated 4/15/2021

**ACTION:**

**APPROVED APPLICATION FOR PAYMENT NO. 6 (FINAL) FOR THE BRECON LANE STORM AND SANITARY SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$2,945.90.**

**BYOB / Bottle Club Ordinance**

1) Proof of publication dated 4/6/2021

**ACTION:**

**ADOPTED AN ORDINANCE REGULATING “BYOB” ESTABLISHMENTS, ALSO KNOWN AS “BOTTLE CLUBS,” AS ADVERTISED.**

**10 S. Summit Ave. – waiver of second sewer lateral**

1) Recommendation from Municipal Authority for one sewer lateral

**ACTION:**

**GRANTED A WAIVER TO ALLOW THE RESIDENTIAL USE APPROVED BY THE ZONING HEARING BOARD AT 10 S. SUMMIT AVE. NOT TO INSTALL A SEPARATE SEWER LATERAL, CONDITIONED UPON THE INSTALLATION OF A SECOND WATER METER.**

**END OF CONSENT AGENDA**

**ON MOTION OF MR. BILGER, SECOND OF MRS. O’LEARY, A UNANIMOUS VOTE APPROVING THE CONSENT AGENDA.**

## DEPARTMENTS

### Police Department

#### A) Monthly Report – March 2021

Chief Winchester warned the general public about fraud related to income tax refunds.

Mr. Bilger complimented Chief Winchester on a presentation made to the Borough of Mohnton about police services offered by Cumru Township.

### Fire Department

#### A) Monthly Report – March 2021

Chief Beane reported that the fire near Holly Lane has been classified as a wildlands fire and DCNR is involved. There was a structure fire 2 days ago.

### Administration

#### A) Codes Department – March 2021

Building Permits Issued- 10

Use Permits Issued- 0

Zoning Permits Issued- 5

Notices of Violations-17

Citations issued- 0

Violations complied- 14

Phone calls from contractors, realtors & public approximately- 172

Permit Inspections Done – 22

Inspections with the Fire Department – 2

Property condemned – 1441 Old Lancaster Pike due to fire

#### B) Utility Project for Township Campus Area

##### 1) Bid Tabulation

| BIDDER                  | AMOUNT         |
|-------------------------|----------------|
| Ankiewicz Enterprises   | \$3,145,767.00 |
| DOLI Construction       | \$3,389,395.00 |
| Michael F. Ronca & Sons | \$3,671,000.00 |
| Wexcon                  | \$5,021,753.00 |

2) Letter from Manager to PaDEP re: permit review period, dated 4/6/2021

3) Letter from PaDEP re: permit application review, dated 4/12/2021

Mr. Skinner reported that the biggest issue with the PaDEP's comments is a requirement for a bog turtle study. BCM Engineers had completed the avoidance documentation, as instructed by the DEP at the time the permit application was submitted. PaDEP now wants the study anyway.

**ON MOTION OF MR. BILGER, SECOND OF MR. KALBACH, A UNANIMOUS VOTE AUTHORIZING BCM ENGINEERS TO SEND A NOTICE OF INTENT TO AWARD THE UTILITIES PROJECT BID TO ANKIEWICZ ENTERPRISES FOR AN AMOUNT OF \$3,145,767.00, CONDITIONED UPON RECEIPT OF PaDEP PERMITS AND PaDEP APPROVAL OF ALL CONTRACTORS.**

**C) County-wide Board of Appeals**

1) Letter from Berks County Planning Commission re: ordinance update, dated 4/6/2021  
**ON MOTION OF MRS. O'LEARY, SECOND OF MR. BILGER, A UNANIMOUS VOTE AUTHORIZING THE SOLICITOR TO DRAFT AND ADVERTISE AN ORDINANCE ADOPTING AN UPDATE TO THE INTERGOVERNMENTAL AGREEMENT FOR CUMRU TOWNSHIP'S PARTICIPATION IN THE BERKS COUNTY BOARD OF APPEALS.**

**D) 1786 Welsh Rd. Lease for MDJ Office**

1) draft agreement received for extension of lease until 12/31/2022  
**ON MOTION OF MRS. O'LEARY, SECOND OF MR. KALBACH, A UNANIMOUS VOTE AUTHORIZING A ONE YEAR EXTENSION TO THE LEASE AGREEMENT WITH THE COUNTY OF BERKS FOR THE DISTRICT JUSTICE'S OFFICE AT 1786 WELSH RD.**

Public Works

**A) 2020-2021 Sewer Replacement Project – extension of time for completion**

Mr. McNichols informed the Board that the Municipal Authority recommended the extension.

**ON MOTION OF MR. BILGER, SECOND OF MRS. O'LEARY, A UNANIMOUS VOTE GRANTING A 90 DAY EXTENSION OF TIME FOR SUBSTANTIAL COMPLETION OF THE 2020-2021 SEWER REPLACEMENT PROJECT.**

**B) Flying Hills Pump Station – emergency repair**

1) memorandum from Manager, dated 4/16/2021  
**ON MOTION OF MR. BILGER, SECOND OF MR. MILLER, A UNANIMOUS VOTE DECLARING REPAIR OF THE PUMPS AND ELECTRONICS AT THE FLYING HILLS PUMPING STATION TO BE AN EMERGENCY PROJECT.**

**C) Non-contracted Road Repair**

Mr. McNichols reported that Township forces would perform repairs on approximately 1,400 feet of Fawn Dr.

**D) Pheasant Rd. at Ivy Lane**

Mr. McNichols reported that Township forces would perform repairs on a culvert on Pheasant Rd. However, the Township would have to obtain a PaDEP permit for a future permanent reconstruction.

Engineer

**A) 2021 Road Work – friction course various locations**

Mr. Rogosky reported working on specification for a road project for friction course at the following locations: Cedar Top Rd. from SR 724 to Harry Ave.; Welsh Rd. for 1,000 ft north of Forest Dr.; Church Rd. at Scenic Dr.

**B) Hampshire Rd. Culvert**

1) Bid Tabulation

| <b>BIDDER</b>        | <b>AMOUNT</b> |
|----------------------|---------------|
| H&K Group            | \$282,888.22  |
| Construction Masters | \$329,851.60  |
| DESCCO               | \$345,601.20  |

Mr. Rogosky informed the Board that manufacture of the box culvert may be delayed until the fall, beyond the time frame for the permit. GVC Engineers has asked PaDEP for an extension of time.

**ON MOTION OF MR. BILGER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AWARDDING THE HAMPSHIRE RD. CULVERT REPLACEMENT BID TO H&K GROUP FOR AN AMOUNT OF \$282,888.22, CONDITIONED ON RECEIPT OF A PaDEP PERMIT EXTENSION.**

Solicitor

**A) Hampshire Rd. Culvert – Martin easement**

1) Letter from Manager to Ryan and Yvonne Martin re: second notice, dated 3/30/2021  
**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING THE SOLICITOR TO PROCEED WITH A DECLARATION OF TAKING FOR A STORM WATER EASEMENT AT 116 HAMPSHIRE RD. IN ORDER TO REPLACE A CULVERT, IF THE OWNERS DECLINE AN EASEMENT AGREEMENT.**

**B) Traffic Signal SR 10 and Freemansville Rd.**

1) easement transfers

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING TRANSFER OF THE TRAFFIC SIGNAL EASEMENTS FOR SR 10 AND FREEMANSVILLE RD., CONDITIONED UPON RECEIPT OF THE APPROPRIATE DOCUMENTATION.**

2) acknowledgement of gift

**ON MOTION OF MR. BILGER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING ACKNOWLEDGEMENT OF CONSTRUCTION OF THE TRAFFIC SIGNAL AT SR 10 AND FREEMANSVILLE RD. AS A GIFT.**

**PAYMENTS OF BILLS**

**ON MOTION OF MRS. O'LEARY, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 3/19/2021, 3/24/2021, 3/26/2021, 3/31/2021 - PLGIT, 4/1/2021, 4/5/2021, 4/9/2021, 4/14/2021, 4/16/ 2021, AND 4/16/2021 – ADDITIONAL.**

**CORRESPONDENCE**

A) ZHB notice for April 2021

B) Berks County Redevelopment Authority Annual Performance Report for 2020

C) Letter from Liberty Environmental re: 3 Seven Springs Dr. – clean up plan submitted, dated 4/14/2021

### COMMISSIONERS

A) Reminder – Board of Commissioners May meeting moved to Thursday, 5/20/2021, at 7:00 p.m., due to election primary

#### B) Vacancies

1) Municipal Authority – 1 vacancy, 1 candidate

Mr. Miller informed the Board that the candidate was referred by Mr. Batdorf and is his son. Therefore, he would abstain from the vote.

**ON MOTION OF MR. BATDORF, SECOND OF MR. BILGER, A MAJORITY VOTE APPOINTING GREG MILLER TO THE MUNICIPAL AUTHORITY. MRS. O'LEARY – YES; MR. KALBACH – YES; MR. BATDORF – YES; MR. BILGER – YES; MR. MILLER – ABSTAIN.**

#### C) Zoning Ordinance Amendment


Mr. Kalbach asked if the Board had any comments on the draft Zoning Ordinance Amendment for mixed use. Mrs. O'Leary asked why so many uses would be allowed by right. Mr. Batdorf stated that the goal is to increase flexibility and protect current uses in the SR 222B corridor.

**ON MOTION OF MR. BILGER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING THE SOLICITOR AND MANAGER TO GO THROUGH THE APPROPRIATE PROCESS FOR REVIEW, DISTRIBUTION, AND ADVERTISEMENT OF A PUBLIC HEARING FOR THE DRAFT ZONING AMENDMENT FOR MIXED USE AND MINOR CORRECTIONS.**

### ADJOURNMENT

**ON MOTION OF MR. BATDORF, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 8:49 P.M.**

Respectfully submitted,

  
Jeanne E. Johnston  
Secretary/Manager