

CUMRU TOWNSHIP BOARD OF COMMISSIONERS
5TH TUESDAY MEETING **APRIL 30, 2024**

The 5th Tuesday 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, and Joseph P. Rogosky of Great Valley Consultants.

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 (resolution no. 301). 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: Susan McCoy, Dave McCoy, Alicia Bressler, Ruth O'Leary, Bev Leonti, Greg Leonti, Ellen Condon, Michael Musser, Angel Figueroa, Dave Feidt, Jessica Kemmerer, Sheri R. Collins, Isamae T. Figueroa, Vicky Jane Smith, Robert Hackney, Patty Adams, Kim Artz, Brandy Ansel, Kurt Ansel, Roberta Kennedy, Barbara Nagle, JoAnn Dowling, Glenn Emery, Bob Matt, Joe Reynolds, Sam Kalbach, Sue and Perry Haas, Ben Fisher, Katherine Wylezik, Dan O'Leary, and Mike Eshbach.

A.) Robert Hackney re: Township-owned fence securing wetland on Township property

Robert Hackney, a resident of Cedar Top Rd., addressed the Board regarding a fence that the Township placed on Township property. Mr. Hackney said that it was not well constructed and he wants it removed. He stated that he mowed a few feet into the Township land to prevent mice. He is concerned about his 4 month old daughter getting hurt with the fence. He requested that his neighbor, Mrs. Smith, be allowed to speak also. Mr. Hackney wanted to know why the fence needed to be on his property.

Mr. McNichols replied that the fence is on the Township property, not his property, and that he had tried to talk to him yesterday. The Township installed property delineators several years ago. He also stated that the fence had been finished that day.

Vicky Smith, a resident of Cedar Top Rd., said that her property is landlocked and that the fence is preventing her access. She needs an easement. She requested that Atty. Frankowski look at the subdivision plan. She understood that her grandsons were riding 4 wheelers on the Township property and caused some damage. Mrs. Smith thought that it was an overreaction when the police showed up at her house. She promised the Board that they would not do it again.

Mrs. Smith stated that they had owned the land forever and that it was never a wetlands before. “If you keep the creek open, there is no wetlands.” She wanted to compromise by having the fence removed from the border with Mr. Hackney’s land.

Mr. Donnell wanted to know what the fence was protecting. Ms. Johnston replied that it was protecting the wetlands and the named stream which is a tributary to the Angelica Creek. She stated that the wetlands were always there and what the Smiths did to dredge the creek without a permit before selling to Walter Greth was a violation of state regulations. Ms. Johnston stated that when the Township bought the land from Mr. Greth, there was no indication of an easement on the land. It appears that there is an easement to the road on the east side of Mr. Hackney’s property, not in the location indicated by Mrs. Smith on Township property.

Atty. Frankowski agreed to look into the land matter. She stated that the Township has the right to put up a fence.

B.) Dave McCoy, a resident of Crestview Ave., re: taxation.

Mr. McCoy, a former teacher and coach, wanted to know if the Board was seeking cooperation with the school district. The school district budget runs from July to June. He reported that the state used to provide 50% of the funding but now taxpayers provide about 70%. With approximately 4250 students, the cost is roughly \$19,000/child. This doesn’t even include any special needs. “How many houses does it take to pay for 1 child?” He expressed concern that there needs to be a blend of something to achieve a better balance and greater sustainability. He recommended cooperation with Governor Mifflin School District by contacting Lisa Hess and Kelly Price.

Mr. Donnell stated that he and Mr. Greg Miller were arranging to meet with the Superintendent and the school board.

C.) Alicia Bressler addressed the Board about Mohnton’s National Night Out.

Ms. Bressler, a Mohnton Borough Council member, invited the Police Department, the Fire Department, and everyone to attend the National Night Out on August 6, 2024, from 6 p.m. to 9 p.m. at the Mohnton Memorial Park. There will be refreshments and activities. Donations are requested. She promised to get flyers to the Township. She invited any interested people to attend their meetings on the 3rd Thursday of the month at 7:00 p.m. at the Borough Hall.

D.) Bob Matt declined to address the Board.

E.) Glenn Emery declined to address the Board.

PRESENTATION

A.) Community Networking Resources – consider consultancy services agreement

Michael Musser introduced Community Networking Resources (CNR) as a subsidiary of McNees Law Firm. CNR is a full-service government affairs and grassroots advocacy group. CNR advocates on behalf of its clients to create relationships between different levels of government. CNR proposes to find funding opportunities. Projects with advocates have a stronger chance of being funded. CNR matches the needs of the municipality with long-term and short-term grant opportunities. Mr. Musser and Mr. Jack Gombach had met with some Commissioners and Ms. Johnston to talk about Township needs.

Mr. Gombach, a former West Reading Borough Council member, talked about doing a SWOT analysis to develop a marketing plan for branding guidance for the Township. Public town hall sessions would be held to refine the goals and enhance visibility.

Ms. Johnston provided background information about the water availability along SR222 business. There is insufficient water distribution infrastructure along SR222. As an example, she shared the fact that Schaylor Brewery uses a ¾ inch residential line which is insufficient for its needs. Economic Development will continue to be limited by the lack of water distribution.

Montrose Manor was constructed in 1925 and includes both sides of SR222 Business. There was a major upgrade to the road in 1970s which created a 5-lane road, but the water system was not upgraded. Shillington Municipal Authority owns the water in the area. The cost was projected to be \$1.7 million to bring water to the south side of SR222 business in 2012. That cost would be over \$2 million today. There is a conduit under the road in the Gouglersville area owned by PA American, but the water line was not installed.

Ms. Johnston summarized the water problem: Cumru Township doesn't own a water system. Shillington Municipal Authority, Reading Area Water Authority, PA American, and Aqua America (Flying Hills) are all water utilities in the Township. There can be no progress unless these entities are onboard. The Township digging deep wells for on-lot systems would require permission from the Delaware River Basin Commission and creation of a water utility for Cumru.

Ms. Johnston also talked about Township recreation needs. She stated that Montrose Playground needs a facelift which should include handicapped access, handicapped restrooms, and parking. A best guess estimate would be close to \$500,000.

Mr. Greg Miller stated that the Township could insource but it would cost more money.

Mr. Batdorf asked if any of the CNR staff were Real Estate developers or had a degree in government. Mr. Musser said they work with others.

Mr. Greg Miller asked how the Township would pay for this. Ms. Johnston said that the money would have to come from the unallocated General Fund balance this year and could be part of the budget for next year.

Michael Eshbach, a Township resident, asked how much this would cost. Ms. Johnston replied that the retainer was \$12,000/month for 1 year and a 60-day notice was required to cancel at the end of the year.

Mr. Eshbach asked if the Lancaster Pike area was the plan. Mr. Donnell responded that Lancaster Pike was an area for commercial development. Mr. Eshbach asked what flagship store was going to come to this area. He questioned if the property owners are willing to sell.

Mr. Batdorf relayed the history of the old Two Guys plaza and the efforts to bring development.

Mr. Eshbach stated his opinion that the money would be better spent fixing roads instead of paying for uncertainty.

Mr. Donnell said that it costs money to make money. This was an opportunity to invest in the Township and he hoped to secure millions of dollars in funding.

Mr. William Miller reminded everyone that recently Rep. Zimmerman, Rep. Guzman and Rep. Houlihan have all gotten money for the Township for free.

Mr. McCoy wanted to know if there was a good reason why this wasn't presented at budget time. He said that the school board would never have allowed this.

Ms. Rowe asked about section 5 of the contract which deals with confidentiality and right-to-know.

Mr. Eshbach proclaimed that it was a backroom deal since a contract was already written.

Mr. Greg Miller made a motion to enter into negotiations with CNR. Mr. Donnell seconded the motion. Mr. Greg Miller and Mr. Donnell voted “yes.” Mr. William Miller, Mr. Batdorf, and Ms. Rowe voted “no.” The motion did not carry.

DEPARTMENTS

Police Department

Fire Department

Administration

A.) Planning

Ms. Johnston explained that the process was changed about a year ago to require escrows for planning to facilitate compensation to the Township for planning expenses. The following plans have been recorded and the requests are to release the escrow balances.

22023 – 05 MITNICK SUBDIVISION – Release planning escrow balance

(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, 12/19/2023, & 2/20/2024.

ON MOTION OF MR. DONELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE RELEASE OF PLANNING ESCROW BALANCE OF \$8.11 FOR THE MITNICK SUBDIVISION 2023-05.

2023 – 06 KERSHNER II SUBDIVISION/ANNEXATION – Release planning escrow balance

(Final) Owner: Judith A. Kershner; Agent: John W. Hoffert, P.L.S.,LTD.; Location: 324 Ashley Dr.; Parcel ID# 39-439514438351; Plan no. D-23-69; Proposal Summary: Subdivision of parcel into 2 lots: residue and Parcel A. Parcel A is to be annexed onto the adjoining land (Parcel ID# 39-439514437451) and joined in a common deed, approved 9/19/2023.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE RELEASE OF PLANNING ESCROW BALANCE OF \$391.17 FOR THE KERSHNER II SUBDIVISION/ANNEXATION 2023-06.

2023 – 08 LANDS OF PETER M. CARLINO AND MARSHIA W. CARLINO – Release planning escrow balance

(Sketch Plan for Record) Owners: Peter M. Carlino and Marshia W. Carlino; Agent: McCarthy Engineering Associates, Inc.; Location: between Open Hearth Dr. and High Blvd.; Parcel ID# 39-530514442631, 39-530514443379, 39-530514446643, 39-530514448805, & 39-530514444704; Plan No. 230096-2-SI-01; Proposal Summary: Reconfigure 5 existing lots into 2 lots and annex the former right-of-way of High Blvd.

that abuts the property to the property along the opposite side of High Blvd., approved 11/21/23

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE RELEASE OF PLANNING ESCROW BALANCE OF \$1,587.53 FOR THE LANDS OF PETER M. CARLINO AND MARSHA W. CARLINO 2023-08.

2023 – 10 MATZ TRACT LOT 5 SUBDIVISION - Release planning escrow balance
(Preliminary/Final) Owner: B5K-K48, L.P.; Agent: C2C Design Group- Charles Frantz, P.E.; Location: Frontage on Hampshire Rd. and Old Lancaster Pike; Parcel ID# 39-438406388683; Plan No. BKK-CMU-01; Proposal Summary: Subdivide existing Matz Tract Lot 5 into Proposed Lot 5A and Residue Lot 5 with on-lot water and public sewer. Lot 5A is not a future building lot; approved 12/19/2023.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE RELEASE OF PLANNING ESCROW BALANCE OF \$78.53 FOR THE MATZ TRACT LOT 5 SUBDIVISION 2023- 10.

2023 - 12 BERKS NATURE/JAWD ENTERPRISES ANNEXATION/SUBDIVISION- Release planning escrow balance

(Final Minor Subdivision) Owner: Berks Nature; Applicant: JAWD Enterprises, Inc.; Agent: John W. Hoffert P.L.S., Ltd., Location: New Holland Rd.; Parcel ID#39-530510361086, Plan # D-23-90-1; Proposal Summary: annex a 0.039 acre parcel from one property (Berks Nature property) to an adjoining property (JAWD Enterprises property); approved 1/16/2024.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE RELEASE OF PLANNING ESCROW BALANCE OF \$778.42 FOR THE BERKS NATURE/JAWD ENTERPRISES ANNEXATION/SUBDIVISION 2023-12.

2023 - 14 201 HUNTERS RD. ANNEXATION/FINAL SUBDIVISION – Reaffirm Plan Approval

(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; approved 2/20/2024.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO REAFFIRM CONDITIONAL FINAL PLAN APPROVAL, AS APPROVED ON 2/20/24, 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.

Public Works

A.) Cedar Top Road Sewer Replacement Project – update

1) Notice to area residents, dated 4/26/24

Mr. McNichols said that the hope is for the project to start in May. A few trees will need to be removed. The plans are on the Commissioners' tablets.

Ms. Johnston reported that 3 municipalities come together in the area of this project. This project will be unpleasant. There is no way to not be inconvenienced.

Engineer

A.) Cedar Top Rd. Slope Subsidence – consider authorization for geotechnical study

1) quote from Earth Engineering, Inc. for geotechnical study of a section of Cedar Top Rd. in the amount of \$11,400

Mr. Rogosky informed the Board that the Township received a complaint from the resident at 1262 Cedar Top Rd. The road had been reconstructed in 2009 but is showing rapid deterioration. The proposed quote is for 5 core borings to determine the road composition and stability. The purpose is to determine what needs to be done to resolve this issue.

Mr. Greg Miller asked if the Township will need to cover the cost of traffic control since it is not in the contract. Mr. Rogosky said that they were looking into getting a local contractor to help with that. The geotechnical study should only take 1 day.

Mr. Greg Miller asked about the cost to locate the utilities. Mr. McNichols informed him that a PA 811 call will help locate the utilities. He thought there was only gas lines in that area. Mr. Rogosky added that PA 811 is required to confirm the location of any utilities in the work area.

Mr. Greg Miller asked if the Township would be responsible for damage to private property. Mr. Rogosky confirmed that the project should be in the road right-of-way (ROW) and not on private property.

B.) Hunters Rd. phase 1 – update

Mr. Rogosky explained that this project will start at Reed Street and continue south for approximately 3400 ft. There will be a pre-bid meeting on May 15, 2024, at 10:00 a.m. The bid opening will be June 11, 2024, at 10:00 a.m.

Ms. Johnston said that it is difficult to budget for repairing the country roads with few houses. They anticipate the worst possible conditions due to soft and yielding areas that were found on Oregon Rd.

Solicitor

A.) Comcast Cable Franchise Agreement –update

1) Pre-publication proof for Comcast Franchise ordinance to be advertised 5/7/2024

This topic will appear on the agenda for the next meeting.

B.) Zoning Ordinance Amendment – consider authorization for amendment of zoning map to change zoning of parcels 39-5305-04-94-8160, 39-5305-20-92-2142, and 39-5315-17-02-0089 to Medium Density Residential

1) draft ordinance amendment for wind turbines, MUGC district uses, and definition of house of worship

There was a request by Mr. Greg Miller to consider rezoning the General Industrial (GI) zoning district on SR 10 south of SR 724 to Medium Density Residential (MR).

Atty. Frankowski said that there could be an issue if the owners consider this a *de facto* taking of land, they could bring litigation against the Township.

There was a question if this would be spot zoning.

Mr. Batdorf voiced concern about doing anything while this is in litigation. Mr. William Miller agreed with Mr. Batdorf.

Sue Haas asked what litigation. Ms. Johnston explained the ongoing litigation regarding the zoning map change in 2018.

Ms. Johnston explained that there are multiple ways to approach this and there are possible unintended consequences of every decision. Each zoning district has different land requirements for housing. Rural Conservation (RC) requires a 3-acre parcel for a single family home. Agricultural (AG) requires a 2-acre parcel for a single family home. Low Density Residential (LR) requires a 1-acre parcel for a single family home. MR with no public utilities requires a 1-acre parcel but MR with public utilities requires 30,000 sq ft, approx. a ¼ -acre parcel. For perspective, 200-300 homes could be built on the Rt. 10 Realty property with MR zoning and public sewer and water. If roads were dedicated, the Township would have to take care of them. Additional services provided to these homes would cost the Township money. Housing typically doesn't bring in the revenue it costs for services and school district enrollment would increase.

Mr. William Miller explained that if 200-300 homes are built, traffic will be greatly increased.

There was a recommendation about having a discussion with the Planning Commission before making zoning map changes.

ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO FORWARD THE PROPOSED ZONING AMENDMENTS AND ZONING MAP CHANGES TO THE PLANNING COMMISSION TO GET FEEDBACK.

CORRESPONDENCE

- A.) Letter of support for West Shore Bypass Grant, dated 4/18/24
- B.) Downstream notification for Buckeye Terminals, dated 3/28/24

COMMISSIONERS

- A.) "Responsible Contractor" Ordinance
 - 1) Letter from Barry L. Schlouch re: opposition to Responsible Contractor Ordinance, dated 04/29/2024

Ms. Johnston stated that this topic will appear on the next agenda.

Atty. Frankowski reminded the Board that they can choose to select either one of the proposed versions of the ordinances or none of them.

- B.) Executive Session
 - 1) 411 Mountain View Rd. – potential property acquisition

9:02 p.m. – The Board met in executive session to discuss 411 Mountain View Rd. – potential property acquisition.

9:19 p.m. – The executive session ended. The Board had discussed 411 Mountain View Rd.– potential property acquisition. There was no action.

C.) Reminders:

- 1) Zoning Hearing Board May 28, 2024, at 6:00 p.m.
- 2) Board of Commissioners meetings for May and June 2024
 - 5/21/2024 at 7:00 p.m. – Regular Meeting
 - 6/18/2024 at 7:00 p.m. – Regular Meeting
- 3) Planning Commission 5/6/2024 at 6:00 p.m.
 - Informal Discussions for Taco Bell on Lancaster Pike, Valley Stream Apartments, and an additional house on the 1069 Church Street property (Old School Apartments)

ADJOURNMENT

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:21 P.M.

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary